

City of Berkeley

California

APPENDIX

to

Report of Citizens' Committee

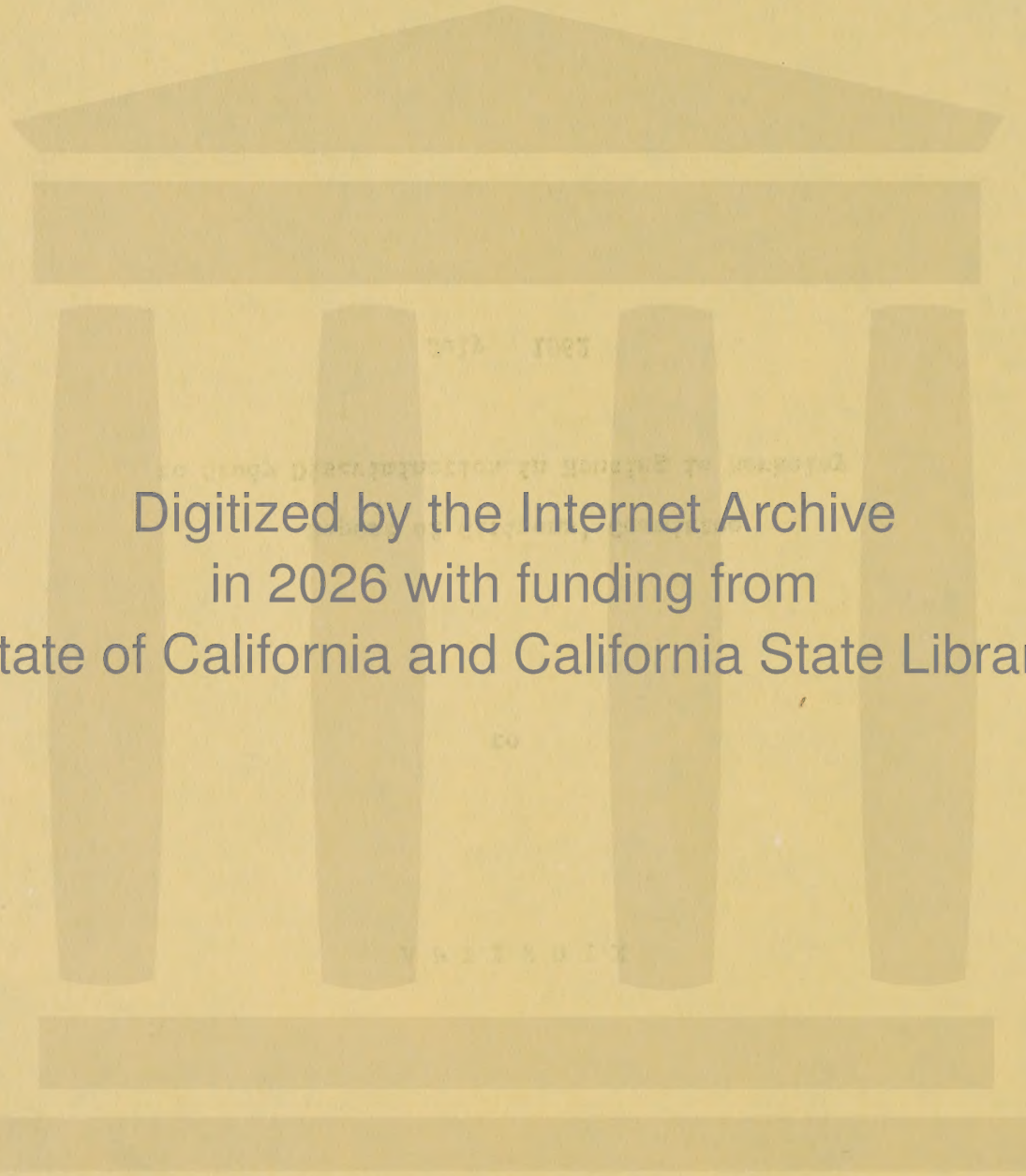
to Study Discrimination in Housing in Berkeley

July 1962

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FOREWORD

The Citizens' Committee to Study Discrimination in Housing in arriving at its conclusions and recommendations relied on a variety of informational materials, firsthand experiences of individuals, interviews with key people in the housing industry and the advice of experts in the field.

Appendix
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The pages which follow contain, in part, the material which the Committee found most compelling. Not included are the remarks of Dr. Davis McEntire, Professor of Social Welfare, University of California, and author of Residence and Race, a report of the Commission on Race and Housing, and of Father Richard Roberts, Assistant Professor of Political Science, University of Santa Clara, and author of "A Tool for Racial Equality," an article appearing in the magazine Social Order, January, 1962. In both instances, the complete works from which their remarks were taken should be required reading for anyone interested in the problem of discrimination in housing and obviously could not be reproduced here. Also not included in these appendices are the vast numbers of articles, pamphlets and other reading materials supplied by the National Committee Against Discrimination in Housing, 426 W. 58th Street, New York City 19, all of which were excellent resources of background information for the Committee. The reader is referred to the Bibliography on page 12 of the Report for other references.

Appendix A, Testimony of Individuals, summarizes the remarks of individuals who appeared before the Committee or who were interviewed by staff or members of the Committee. Verbatim remarks are so indicated by the use of quotation marks. Some of the testimony of individuals was presented to the Committee in the form of letters and except for the deletion of names and other identifying information these letters were not edited. Representatives of organizations which conducted tests for discrimination appeared before the Committee and also submitted written reports which appear in Appendix B without editing except for the deletion of identifying information.

Appendix C summarizes interviews conducted by teams of two Committee members with representatives of the real estate industry and the University Housing Service. No notes were taken during the interviews, but each team member independently wrote a summary of the interview soon after it took place. The reports appearing in Appendix C were derived from the written summaries.

Appendix D includes two reports of census information. There is some overlapping of information in the reports, but in general, the subject matter differs enough to warrant inclusion of both reports.

The Committee found the experience of other cities to be useful and some of this information is included in Appendix E. Many Committees and Intergroup Relations Commissions in cities throughout the United States responded generously to our request for information which was studied with interest by the Committee but is not included in the Appendices. Among the cities which assisted us in this way were San Francisco; Des Moines, Iowa; Toledo, Ohio; Pittsburgh, Pennsylvania; New York City and Buffalo, New York.

Three proposed ordinances comprise Appendix F. The first is basically an ordinance which is now under consideration by the San Francisco Board of Supervisors and was used by the Committee as a starting point for discussion. This ordinance was revised by members of the Committee to conform to Berkeley's particular problems and appears as Ordinance #3. The second proposed ordinance

was drafted by two professors of the University of California School of Law, Sho Sato and Ira M. Heyman, and as indicated, it was prepared "to set forth the broad scheme of anti-discrimination in housing which would not run afoul of the State law and would be desirable in Berkeley." The three proposals are included as Appendix F to serve as a guide for the City Council when and if it considers an ordinance prohibiting discrimination in housing in Berkeley.

Many individuals and representatives of community organizations attended Committee meetings as observers. Letters from some of the organizations were referred to the Committee and are included as Appendix G.

All reports and informational materials are on file in the office of Community Welfare and available for public use. Any information about the Committee or the Report may be obtained also from the office of Community Welfare, City Hall, Berkeley, California.

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APPENDIX ATESTIMONY OF INDIVIDUALSCase #1 Miss C.

Native of New York City. B.A. and some graduate work; came to Berkeley in 1959. She had been a co-director for an organization where housing was furnished. She was employed as a social worker at the time she was looking for an apartment. Her salary was \$450-\$500 per month and she looked for apartments in the \$60-\$70 price range.

In April 1960 she had two experiences in trying to rent an apartment. She obtained a listing from the bulletin board of a supermarket and went to the address listed, which was that of the owner, not the rental property. An elderly woman opened the door and said she did not rent to anyone not a Caucasian. Miss C asked her why she had advertised the apartment in a public place and the woman said she did not realize this would bring the sort of people she would not rent to, that she was not particularly prejudiced but there would be people who would not want a Negro living there and would move out, and she would lose her way of earning her living. Her attitude and manner were hostile. The rent was advertised as \$70 per month for an unfurnished duplex; Miss C did not find out its location.

Two weeks later she obtained another listing (\$65 for an unfurnished apartment) from the same bulletin board and went to the address, two buildings and a court (at least four apartments) located on Acton Street south of University Avenue. She was met by a pleasant and courteous manager, who showed her the available apartment. The manager asked about her background and everything appeared to be all right. The manager suggested she call the owner in Oakland about some of the arrangements and Miss C did so after she had left the apartment. The owner talked pleasantly with her and then, as if it were an afterthought, asked if she were white. When she said "No," he said "I can't rent the place to you, some people in the house are from the South, they would move out wholesale; we don't even have any Orientals." Later Miss C phoned the manager, who seemed very surprised and chagrined and who had apparently not received any instructions from the owner on refusing to rent to Negroes. Miss C added that some of her friends and acquaintances have had the same experiences and the landlords usually say they would lose money if they rented to Negroes.

Case #2 Mr. and Mrs. L.

Mrs. L is a native of New York. Master's degree in Social Welfare and other graduate work at the University of California; served with the U.S. Army for 1½ years; employed in professional work.

Mr. L holds an executive position in a social agency; at time of purchase of home was attending San Francisco State College; served three years in Army, mostly in Korea.

Their income at that time was just under \$10,000 a year. Mrs. L is Caucasian, Mr. L is Negro. They have three children. They had been living in the Cragmont area for three years prior to 1958. In that year they began looking for a larger house to accommodate their growing family and wanted to stay

in the same area on account of the school and established neighborhood friends. Their efforts were balked for nearly a year, when they decided the only way to obtain what they wanted was to conceal their interracial marriage. Accordingly Mrs. L "fronted" for the family, explaining that her husband was out of town and they finally bought a satisfactory residence on Cragmont. During the year, their experiences were substantially as follows:

The deal on the first house they wanted went smoothly until Mr. L met the real estate agent, who immediately told them the house had been sold. The agent later phoned Mrs. L and asked her if she realized the trouble she was going to have in finding a house in that neighborhood, and offered to show houses in another part of town. Mrs. L felt this agent was really trying to help her; she was told by another agent that if it became known she was showing them houses in that area, she would lose her job and not be able to get another one in real estate in Berkeley. Later, Mrs. L saw another house she liked, but was told it had been taken off the market. She saw dozens of houses and on a number of occasions, when the agent met Mr. L, that was the end of the contact. Another time she telephoned an agent about a particular house, the agent asked her name, and said the house was sold. Once she contacted an owner directly, who said he would sell to anyone, but left the decision to his wife. The wife decided not to go through with it and said her family would disown her, she worried about the neighbors and was afraid it would hurt their business. After Mrs. L decided to conceal the interracial marriage, she had no trouble buying a suitable house. Immediately after the purchase was completed, the agent told her the previous owner was "swamped" with telephone calls by the neighbors objecting. After moving in, some of the neighbors were rather cool for a while, however, the children played with others and most of the neighbors are now on friendly terms. She said several houses in the neighborhood have since been bought by Caucasians, some at high prices.

Mrs. L also told of her experience in selling property on a non-restricted basis. She listed her house with a Negro firm and with a Realty Board member firm. Both made an offer the same day and when she told the Board member firm that she had given the Negro firm first choice, she got calls until midnight, asking why she hated her neighbors so much, she had no right to lower the value of her property, etc. Later she was told that the Board member agent and some neighbors got together and outbid the Negro firm, then put the house up for sale at once. When Mrs. L listed a house with another non-Realty Board member who indicated "All Welcome," the agent was called by the Realty Board, but the Board person hung up when he learned the agent was not a Board member.

Mrs. L said that any of the reasons given her for breaking off negotiations could have been true, but to have so many convinced her that prejudice was the real reason, especially when she got so much farther along in arrangements than all-Negro families. She feels the agents are governed by their employers; she said other friends have had the same experiences in trying to move into areas that had previously been all-white. She heard that one block is known as the "Cragmont Ghetto" where several Negro families live and which has been "written off" by the real estate firms.

Case #3 Miss R.

(Copy of a letter to the Committee from Miss R prior to her appearance before the Committee. Names deleted.)

"The experiences that S, Y, G and I had while apartment hunting in Berkeley are probably similar to those of other Negroes in this area.

"I first began apartment hunting in the fall of 1960 with S. From the beginning, all of us had many experiences where discrimination was obvious and deliberate. One manager on Cedar Street near Shattuck was willing to rent a 2-room apartment at \$80 a month, until after I asked and she revealed that she didn't rent to Negroes. She said she had one Oriental tenant, but she feared 'trouble' if her building became integrated. I told her my roommate and I were not interested in making 'trouble' for anyone, but she didn't recant. Nor did she change her mind when I promised to tell the N.A.A.C.P. about her obviously discriminatory policies.

"One manager told S he didn't rent to 'Negroes or beatniks.'

"In the meantime, S decided to stay at home and Y became my prospective roommate. We looked further, answering many rental ads in person, only to be told kindly that the apartments had 'just been rented.' When reminded that their 'For Rent' signs were still up, they always said they hadn't had time to take them down yet. We often saw the same signs up weeks later.

"Finally, through some student friends of ours, we found a fairly clean, fairly well-kept-up apartment on Derby Street between Shattuck and Fulton. We paid \$62.50 for three rooms and felt we had a pretty good deal. We lived there from October 1960 to August 1961, and G, Y's sister, joined us in July.

"In July, we began looking for a larger place and inquired about many apartments advertised in the Berkeley Gazette. We found once again that many managers openly denied rentals to Negroes. We got a variety of reasons, all the way from one woman who told us, 'I know lots of Negroes and they all told me they prefer to live with their own kind,' to another who said she couldn't rent to Negroes 'because we have small children in this building.' Many acknowledged they were wrong, when we destroyed their excuses with simple logic, but said their feelings dictated their policies.

"Then G made a down payment on a lovely apartment on Bonita Street through a real estate agency. But when we went to look at it, the manager told us that particular apartment was being saved by the owner so he could furnish it as a model for the building. We insisted we had already rented it and planned to move in as soon as possible. The manager said the real estate agent had made a mistake, not knowing the owner's plans. When we asked for the owner's name, he said the owner lived in San Francisco and was not available. G's down payment came back in the mail the next day. The manager saw her in church the next morning and assured her the incident had nothing to do with 'race prejudice,' it was simply an error.

"A few days later we called about an apartment on Virginia Street and were invited to come see it. When the lady manager saw us, she quickly said the couple who happened to be standing in the room had just rented it. The only trouble was that the couple included the manager of the Bonita Street apartments. It seemed unlikely that he would be renting this apartment. He looked as though he would like to have faded into the wall, but being three-dimensional, found it impossible to do so.

"When we got home that evening, we called her separately, assuming fictional identities. The lady was quite anxious to rent us the apartment. I

said, 'I saw some people looking at the place today and I wondered if it were still available.' She said, 'Did you get a good look at those girls?' When I said No, she said, 'Well, I have nothing against those people, but we are very selective in our rentals, and we don't rent to colored people.' When I revealed my true identity, she was quite angry that I would lie to her. I said, 'It is obvious that you discriminate against Negroes.' After some heated denials, she hung up in indignant confusion.

"One lady manager of an apartment on Fulton Street expressed shock when G told her where we were living at the time. 'You live in that building with all those strange people?' When G informed her she was one of those strange persons, the lady replied, 'Oh, but you don't sound like a Negro!' However, she couldn't describe how a Negro was supposed to sound, other than, 'Well, you know...', and said she regretted that she could not rent her apartment to us.

"After a few more similar incidents, we went to the X Realty Company, and quickly found a very nice \$135 a month apartment on Grant Street where we now live, Y, G, D and myself. We found no evidence of discrimination at the X Company, although their rentals are expensive. X Company has extensive rentals throughout Berkeley and we know several other Negroes who rent from them.

"I have concluded, first, that discrimination is the rule, non-discriminatory policies the exception, and secondly, that there is practically no way of proving that you are being discriminated against, short of tapping the phone or tape-recording your conversations. There is no doubt, however, that managers and landlords discriminate fearlessly and deliberately.

(Signature) Miss R."

Case #4 Mr. and Mrs. K.

In August Mrs. K, a dark-complexioned Caucasian, at that time not yet married, and another young lady, both students at the University of California, looked for an apartment. She saw a sign in a window of an apartment house near Euclid and asked the manager to show her the apartment. The manager asked her if she were a student and she said she was. Then the manager asked her if she were a Negro and she said she was not, and why did the manager ask? (This was the first time this question had been asked of her.) The manager said the owner of the apartment did not want Negroes there and the other tenants did not want them, either.

Mr. K (a Caucasian) then told of his experience. In August 1961 he was living in an 18-unit apartment house north of the campus and decided to move. The manager put up a For Rent sign, then took it down, repeating this several times. Mr. K asked the reason for this, and the manager said that some Negroes had asked to look at the apartment and had been told it was rented; that there was an agreement among the apartment house owners on that block not to rent to a Negro. Mr. K said he had never seen a Negro on the block.

Case #5 Mr. H.

Mr. H described his experiences in looking for housing, starting in 1952 when he entered the University. He said, "I have faced the traumatic

experience of looking for a place to live at the beginning of each semester for ten years." The first year he was sent by the Athletic Department office to a particular rooming house in which all the Negro athletes on campus were living. He was told that the owner of the house owned several other houses, but this particular one was reserved for the Negro athletes only. Later, when he planned to room with some of his Caucasian teammates in another rooming house or apartment, he was told that he could not live there; in each of these cases his teammates moved out. He graduated from the University, spent two years in the Army and then returned as a Law School student. He is now married and has a family. He said that each year he would start looking for a place near the campus, and would gradually get farther away, sometimes ending on Prince Street, and in inferior accommodations. He was often told that the apartment was already rented, although the For Rent sign would remain in the window. Other managers would say, "I don't think you would really like this place," with the implication that he would not try to get it. He has worked on student committees for the purpose of testing specific instances. Some were places listed with the Student Housing Bureau and, if found to be restricted, were reported to the Bureau. His last experience was in January, when he phoned a large number of places listed in the Berkeley Gazette and Daily Californian and asked if they rented to Negroes, receiving a negative answer in many instances. He said that this answer seemed easier to give over the telephone, as he was never told that in person, just given some excuse.

Mr. H said that conditions have improved since 1952, in that the Negro athletes are scattered, not segregated in one house, and that available places for Negroes may be found, starting about four blocks from the campus. As for apartments, the new buildings are strictly out of the question. He now lives on ---- Street where the area is about 60% nonwhite, and where he was refused rentals several times. He stated that he had not had the same problem in his home town because his mother owns the home in which he lived.

Case #6 Mrs. S.

Mr. and Mrs. S came to Berkeley in June, 1960. They are both professional people and could pay a substantial rental. They looked at more than 60 apartments, some of which were unsuitable. Some were unavailable for reasons which could have been discriminatory, but could not be substantiated. In at least 15 situations, discriminatory practices were unquestionable.

In one instance Mr. and Mrs. S were told the rent was \$150. Later, Mrs. S (who has light skin coloring) went alone and was told the rent was \$105. In other instances, Mrs. S was told in advance telephone calls that apartments were available, but when they called in person, they were told nothing was available.

Mrs. S visited four buildings, all owned by one developer, and found several apartments available when she went alone, none when she and Mr. S went together. She protested to the corporation office and was told that the corporation did not discriminate. She asked them to so inform the managers, but later found this had not been done. They finally got an apartment by being persistent, offering a cash deposit four times before it was accepted, while the manager tried to dissuade them.

Mrs. S described her experience in the East before coming to Berkeley. She and her husband attended a New England college and had no difficulty in

finding suitable housing. The same thing was true when they lived in Philadelphia and New York. She was "surprised and shocked" to meet the situation she encountered in Berkeley and to find there was no organization to help people in such circumstances.

Case #7 Mrs. A.

Mrs. A is a social worker who works in Richmond. About the middle of January, 1962, she wished to rent an apartment in Berkeley and went to an address which was advertised in the Gazette, located in the general area of Burbank School. A young Caucasian woman answered the door and Mrs. A said she had seen the ad in the paper and wished to see the apartment for rent. The woman said, "I can't show it to you because the landlord does not allow me to rent to Negroes." The woman indicated later that she was a tenant in the building who handled the rentals for the landlord. Mrs. A said the apartment building consisted of about eight units, all on one level.

(The following individuals did not appear before the whole Committee, but were interviewed by the Secretary or by members of the Committee.)

Case #8 Mr. R.

Mr. R is a psychologist. He has a Master's degree in Clinical Psychology. His salary is approximately \$600 per month.

In September 1961 he looked for a one-bedroom apartment in the campus area. He drove around in the neighborhood he was interested in, looking for rental signs. He was willing to pay to \$135 per month for an apartment. He inquired at an apartment house at ---- Streets which displayed a For Rent sign. He was familiar with this particular building because he had friends who lived there the school year of 1960. The manager answered the door and told him that there was an apartment for rent and that it was \$150 per month. Mr. R said that he had friends who had previously lived there and only paid \$110 per month. The manager was a little embarrassed and finally said that he was new on the job and that he didn't know what the policy of the owner was in regard to renting to Negroes and he would have to speak to the owner. Mr. R thanked him and left and did not pursue it any further.

Case #9 Mrs. W.

Mrs. W is a school teacher. Her husband had two years of college and is employed by the Post Office as a letter carrier. Their combined income is approximately \$10,000.

The summer of 1960 they were looking for a 3-bedroom house in the North Berkeley area for about \$20,000. At that time they owned the house they were living in. They saw an ad in the paper and made an appointment to look at the house with a realtor. They arrived at the office at the appointed time, but did not find the realtor to whom they had spoken in the office. No one in the office was particularly polite, so they said they would wait in their car. After the realtor they talked to arrived, they went into the office. The realtor seemed surprised that Mr. and Mrs. W were Negroes and told them he was

sorry that he could not show them the house today because the owner had not left the key. He did not suggest that they make another appointment.

Case #10 Mr. T.

Mr. T is a real estate agent. In March 1962 he was looking for a house for a Negro doctor in the \$25,000-\$30,000 range. From a newspaper listing he saw a house on Marin Avenue that he thought might be suitable for this client. He called the realtor who was handling the property and said he would like to look at it for a prospective buyer who was a Negro doctor. The realtor said he could not show the house because the owner did not wish to sell to a Negro.

On another occasion he saw a house for sale by the owner listed in the newspaper. He drove by the house and called on the telephone to inquire about the price. The owner said it was \$29,000. The next day a friend who also deals in real estate stopped by the house to make more inquiries. The owner told the realtor the house was \$33,000 and that she would only sell to a Caucasian or an Oriental.

Case #11 Mrs. B.

Mrs. B telephoned and said that she and her husband had had unpleasant experiences in trying to sell their home on an equal basis policy. "As a good Christian," she could not accept the discriminatory policies of the real estate firms she had dealings with.

Mrs. B, a Caucasian, lives in a neighborhood in which, to the best of her knowledge, there are no nonwhite families. Two years ago she and her husband signed the covenant sponsored by the Berkeley-Albany Council of Churches which stated that signers would welcome members of minority groups to the neighborhood. Shortly after, she listed her house for sale with a realtor who happened to be a neighbor. A man telephoned her, introduced himself as a Negro doctor, asked if she would show her house to him, which she agreed to do, and made an appointment. Later, the realtor visited her to make arrangements to show the house and she told him of her appointment with the previous caller. The realtor immediately told her to plan to be away at the time of the appointment and "he would take care of everything." She refused to do so. Subsequently, she was informed by the realtor that the neighbors were planning to buy her house for resale in order to prevent purchase by nonwhites. Following several unpleasant telephone calls, she took the listing off the market.

Mrs. B commented that she did not insist that the house be sold to a nonwhite family, but she "resented the realtor's impeding my right to sell to whom I wish."

Case #12 Mrs. A. (Written testimony given to Committee.)

"I am a social worker in Richmond and a resident of Berkeley. In mid-January I went to an apartment rental unit, which was listed in the Berkeley Gazette as available for rent.

"A young Caucasian woman answered the door and indicated that she was handling the rental of units in the building for her landlord. I asked for the

opportunity of seeing the unit, to which she responded by saying that she could not show the apartment to me because she could not rent to me. When I requested further clarification of this, she said her landlord would not permit her to rent to Negroes. She indicated this in no way reflected her own personal feeling, but rather the policy of her landlord regarding rentals."

Case #13 Mr. and Mrs. X.

A foreign student attending the University of California and his wife had repeated difficulty in finding an apartment in Berkeley. They were told by several landlords that they would not rent to Negroes. Mr. X commented to the interviewer, "We were told we might have difficulty, but we never dreamed it would be this bad. We will not come back to Berkeley."

APPENDIX B

TESTS FOR HOUSING AVAILABLE TO NONWHITE PERSONS

1. ENCAMPMENT FOR CITIZENSHIP and CONGRESS OF RACIAL EQUALITY

On July 5, 1961, the Encampment for Citizenship followed up 37 ads from the Berkeley Gazette for apartments to test for discrimination. Out of these 37, 14 or 38% were practicing discrimination. Four of those that discriminated were within one block of the University of California campus. Two of the discriminatory group were listed at the University Housing Office which requires a pledge not to refuse on the basis of race, color or creed.

The procedure was for a nonwhite couple to make an inquiry, followed within a few minutes by a white couple making the same inquiry.

The 14 that discriminated were as follows:

Piedmont Avenue. First couple was treated cordially but could not have the apartment for nearly two months. Second couple was able to rent an apartment within a few hours.

Addison Street. First couple was told the apartment was rented. The landlady was very rude and gave no explanation. Second couple was treated very well and was able to move in any time.

Euclid Avenue. First couple was treated rudely and was required to pay at the first and last of every month. She would not make a definite decision to rent. Second couple was treated well and was urged to rent, with no mention of when the rent was due.

Walnut Street. First couple was told the apartment was taken. Second couple was able to look at three apartments.

Walnut Street. First couple was told the apartment was rented to a Chinese couple earlier. Second couple was able to rent any time. They were told the apartment upstairs was rented to an Egyptian couple.

University Avenue. First couple was told the apartment was rented. Second couple was able to rent immediately.

Ward Street. First couple was told the apartment was rented. Second couple was shown the apartment and was told a Negro couple was coming earlier.

Haste Street. First couple was told the apartment was rented. Second couple was told to come back later in the day and they could rent the apartment.

Prince Street. First couple was told that there were no vacancies. Second couple was treated well and was able to see an apartment.

College Avenue. First couple was told that there was a long waiting list and perhaps they could rent in a few months. Second couple was able to rent immediately.

Chestnut Street. First couple was shown the apartment and was told that they could have it in a few weeks at \$87.50 per month. Second couple could rent it for \$77.50 per month immediately.

Dwight Way. First couple was told that there was no ad in the paper for an apartment. Second couple was shown the apartment.

Chestnut Street. First couple was told that no vacancies were expected until the end of August. No further explanation was given. Second couple was shown the apartment. Manager said he only rented to "respectable people."

Haste Street. First couple was greeted by a non-English speaking landlady and no communication was made. Second couple was greeted by the same landlady who spoke English and talked very well. She was willing to rent them the apartment.

A few days after the housing check, an interview was made with some of the landlords. Some of the interviews went as follows:

At --- Walnut Street the landlord said he had some tenants living there for 17 to 18 years. He mentioned that he had never rented to Negroes before and he never intended to, regardless of any law. He went on to say that Negroes were dirty tenants and messed up his apartments so that the costs of repair were too much, even though he previously stated that he had never rented to Negroes before. He became quite angry at the interviewer to have questioned him at all. He slammed the door and said he would call the police.

At --- Walnut Street the landlady said she was not prejudiced but her tenants would not like Negroes living there. I explained the laws to her and she said she must have made a mistake and that she would rent to Negroes, but she did not have a vacancy at the present time. The sign on the front door said there was a vacancy.

At --- Addison Street the landlady said she had some Cairo students and some Southern students who would not like Negroes living there. After every sentence she stated that "I'm not prejudiced." She wanted to see integration come and the laws that we had were good, but the South must clear up its mess before she would rent to Negroes. She said Negroes would be happier in other places rather than hers. She then became hostile and asked to be excused to finish her work.

Additional tests made by teams in January, 1962, were as follows:

Regent Street. Ad taken from Berkeley Gazette for a 3-room unfurnished apartment at \$89.50 per month. Negro applicant was told by manager that the apartment was rented. White applicant was shown the apartment twenty minutes later, and told he could move in immediately. He was also told about another apartment vacant in the same building.

Walnut Street. Ad taken from Berkeley Gazette for a 3-room furnished apartment at \$115. Negro couple was shown apartment and immediately told that it was being held for two other parties already interested. White applicant was told he could rent the apartment at once.

Deakin Street. Ad was taken from Berkeley Gazette for an unfurnished apartment at \$85. Negro couple was shown the apartment, but manager would not

accept the deposit because of "another interested party." White couple arriving twenty minutes later could have put down a deposit immediately.

Tests made by the Berkeley Chapter, Congress of Racial Equality, in January, 1962, with real estate firms:

A. Both Negro and white applicants were asking for a two or three bedroom house, priced around \$20,000, north Berkeley or Kensington areas preferable. Negro applicant reported that the salesperson was "very nice;" said she could check on something during the week and let him know. She did not refer to her listings, even though he asked if she had anything he could see today. White couple was allowed to look through listing book and salesperson got other listings, not yet entered in the book. White couple took down six listings of houses falling within the specifications which they could have seen that day.

B. The first couple (racially mixed) asked for an apartment in the \$140-\$150 a month price range. They were given three listings, ranging from \$120 to \$130. Second couple (Caucasian) asked for an apartment for about \$130. They were given eight listings ranging from \$120 to \$150.

C. Negro applicant asked for an apartment in campus area and was told that the only available places were located in 3100 block of Adeline, 6600 block of Shattuck and the 3000 block of Dohr Street. The white applicant, asking for accommodations of the same type in the campus area was given an entirely different set of addresses, including three places in the 2700 block of Regent, one in 1700 block of Spruce, two in 2200 block of Hearst, and two in Oakland.

D. Both applicants asked for an apartment in the \$125 range. Neither specified location but both mentioned that they worked on campus. Negro applicant was given one listing in South Berkeley area. White applicant was given six listings, including three near campus.

E. White applicant was told there were virtually no listings and was referred to another firm. Negro applicant said: "A very cold reception. I had just opened my mouth to ask about available listings when I was cut off by a very simple, 'No. We have nothing available.'"

F. Both couples were asking for a house in the \$20,000 price range. They were told about the same three houses. However, the white couple was told that the down payment would be 25% of the sale price; the Negro couple was told it would be 30% of sale price.

G. Two tests were conducted. The first took place between December 5-7, 1961. White applicant asked for an unfurnished, 1-bedroom apartment for \$120 for a couple with one child. She specified the campus area, "around College Avenue." She was given three listings and upon calling back two days later, four more listings. Negro applicant asking for same accommodations for same size family was given no listings. He also called back two days later and was again given no listings and referred to a Negro dealer.

The second test: Negro applicant asked for an apartment in a new and expensive building handled by this real estate firm. He was told by the salesman that the place would be shown him, but that the owner had the final decision and probably would not rent to a Negro. Applicant saw the apartment

and called back a week later to ask about its availability to him. Salesman told him that he had spoken to the owner and that "there was too much money tied up in it" for them to rent to the Negro applicant.

At the same time as the first visit mentioned here, Negro applicant asked for other apartments in a price range to \$145 in vicinity of the University. He was given three listings. Salesman mentioned that he didn't want to send applicant to some other listings "because it might be embarrassing to yourself and to me."

White applicant with similar requests was offered an apartment in the above building and given six listings in the vicinity of the University.

2. REPORT BY JAPANESE AMERICAN CITIZENS' LEAGUE

Report on Telephone Survey Conducted Feb. 6-8, 1962.

Listings were taken from the Berkeley Gazette of February 6, 1962.

Apartments (furnished and unfurnished)

1. Number of calls made	95		
2. Already rented	17		
3. Restricted to Negroes	64		
4. Available to Negroes	14		
(10 of the 14 were in predominately Negro areas)			

Rooms

1. Number of calls made	36		
2. Already rented	5		
3. Restricted to Negroes	22		
4. Available to Negroes	9		

Houses for sale

1. Number of calls made	10		
2. Already sold	1		
3. Restricted to Negroes	8		
4. Kains Avenue: caller felt the area was not worth investigating	1		

SUMMARY

Calls Made	141		
Rented	24		
Restricted to Negroes	94		
Available to Negroes	23		

3. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Testimony of Mrs. A (a Negro) in house-hunting, March 8, 1962.

Type of house interested in: 2 or 3-bedroom house in either Hillside, Thousand Oaks or Cragmont School district, modern or brown shingle; price range from \$20,000 to \$24,000. Visits to real estate firms:

Firm #1 - I told the agent what I was interested in. She looked at me for a few minutes, then proceeded to give me a lecture in financing; how much I would need for a down payment, how much income my husband would have to receive monthly, etc., etc. I then told her that is why I specifically asked for the \$20,000 range. She then dropped the discussion about money to tell me about a friend of hers who wanted to purchase a \$20,000 house when in reality he could barely afford a \$12,000 house. (It was the first home for this "friend," they were very young, etc.) I told her I thought she had mistakenly sized me up, that my husband^{and} I had been married for ten years, had a four-year old son, had traveled quite a bit during our ten years of married life and were now ready to settle down in Berkeley and buy a house. She was quite surprised, then looked in her book for something she could show to me.

- a. Grizzly Peak Boulevard, \$22,950, 2-bedroom, full basement. Could not get key, owner was not in.
- b. Wanted to take me to El Cerrito to show a house she thought I would like, even though I had specified Berkeley. I went. The house in El Cerrito was \$24,500. While we were looking, she told me who two of the neighbors were. One was a Rabbi, the other was a Jewish lawyer.
- c. San Antonio, \$21,950, just off Arlington Avenue. Wanted me to compare this house, which looked like a pigpen inside, to the house in El Cerrito.
- d. She made a tentative appointment with me to show me the house on Grizzly Peak. End of interview.

Firm #2 - I asked to see "Hillside Primary, \$22,950" listed in Gazette. The agent called the owner to make an appointment and was told the owner was leaving but the door would be open. (Owners are Oriental.) Drove to Grizzly Peak, was taken inside and while we were looking, the agent asked me what my nationality was. I told her I was an American, but what she really wanted to know was my race, which is Negro. She smiled sweetly, then informed me I might have difficulty buying into the areas I asked about. She also was not sure whether I could in fact buy the one I was looking at. She would have to do some more "screening" of the owners before she could say for sure. We finished looking and went back to the car. She chatted about her neighborhood and how she and her husband would like to see it integrated; the only person who would be adverse to this is her mother-in-law, who is Irish and feels superior to everyone except Irish. She suggested Emerson School district to me. As she was parking her car in front of the office, she asked me if I had a friend that would be willing to "front-buy."

Firm #3 - Asked for same type of housing previously asked of other two firms. Financing again. Was told by agent we would need 25% down, could get 75%

loan, best we could expect, etc. He suggested El Sobrante "where you would not even need a down payment - that's where all the young people are going and the houses are new." I said that was all well and good, but I really wanted to live in Berkeley. The agent then proceeded to look for something in Berkeley.

- a. Suggested the house on Grizzly Peak Boulevard. I told her I had seen it.
- b. Suggested the house on San Antonio. I told her I had seen it.
- c. Marin Avenue, \$24,500, 3-bedroom 2-bath, brown shingle. Tried to contact owner but line was busy. (I would like to note here that #1 and #2 also told me about the house on Marin, however we could not see it because the owner was not available in each instance.) The agent kept trying to reach the owner of the Marin house and in between she would chat with me. She suggested Albany and El Cerrito because, as she informed me, I would have trouble finding what I wanted in that price range in Berkeley, \$22,000-\$24,000. She also told me some sellers would not want to sell to me. They (real estate agents) have to abide by the seller's wishes. I left the office about 4:30 with a promise that she would try to make an appointment with the owner of the Marin house. She did call the next morning, but we were unable to set up a time.
- d. She also told me about a house on Cragmont, 3-bedroom, \$22,500. Here again the owner could not be reached.

I would like to say in each encounter with an agent I received a long lecture on financing which was very distasteful to me as a prospective buyer, and insulting.

Testimony of Mrs. B (Caucasian)

Interested in 2 or 3-bedroom house in either Hillside, Thousand Oaks or Cragmont School districts, modern or brown shingled home, price range from \$20,000 to \$24,000. She went to the same brokers as Mrs. A, above.

Firm #1 - I asked for a 3-bedroom home in the price range of \$22,000. I told her I was looking for a home for a friend who wanted to live in Berkeley. She said, "O.K., I'll give you a list of homes for sale." She then took me to ... and asked me how much my friend could put down as a down payment. I told her they were able. She asked no other question related to the down payment or ability to make such a purchase. When we arrived at the house, she said, "I want to see the right kind of people move in here." Later, she showed me a house at \$24,000.

Firm #2 - Instead of going to the real estate office, I went directly to a home listed under this firm and asked ... (owners of home referred to in previous case) for permission to see their home which was for sale. I told them that I was looking for a home for a friend who was a Negro, and if they were going to discriminate in the sale of their home. Mrs. ... said that her home was on the open market and that they would sell it to anyone, and that they were sure that no one in the neighborhood cared whom they sold their home to. She said that "if your friend wants to come to me, I'll sell at a reduced rate and to hell with the real estate broker."

Firm #3 - I talked to the agent, telling her that I wanted a 3-bedroom home in the price range of \$22,000. She showed me a house listed at \$29,500. I mentioned that it was higher than I had stated and she told me that the financing on it was excellent. Then she gave me her listing book and told me to pick out anything I wanted to see and she would show it to me. There must have been at least twelve houses in the price range of \$25,000. She told me about a house for \$19,500 that needed a few repairs. We went to see it. She told me to come back and she encouraged me to seek a house above the range of \$22,000 because financing was easy to arrange for me.

Comments

Mrs. B called the agent on the same day Mrs. A had visited the realty office; the call was after Mrs. A had been unable to see the same agent.

The agent agreed to show Mrs. B a house that was listed in the Berkeley Gazette as being in a "prestige area." She never asked Mrs. B whether she could afford the price.

Mrs. A, when asking about the "house in a prestige area," was told, "Well, that's \$47,500" by the office receptionist.

Agents (all white) kept suggesting to Mrs. A that she try to buy in El Cerrito, whereas Mrs. B was never told to seek a house in El Cerrito.

On the list given to Mrs. B by one of the agents, there were eight houses within the price range of houses sought by Mrs. A, and these eight houses were not shown to Mrs. A.

Housing Opportunities in the University Area

In the 1959-60 school year the Berkeley N.A.A.C.P. reported to the University Housing officials at least 13 cases of racial discrimination encountered by Negro students seeking housing in the University area. Many conferences were held with the University Housing officials and they, with many of the landlords. It was discovered that most Negro students were living outside of the University area, due to the refusal of landlords to rent to them.

Berkeley NAACP Report on Housing Discrimination in the City of Berkeley

In the past years the Berkeley N.A.A.C.P. has conducted surveys to substantiate the existence of racial discrimination in housing in Berkeley. The surveys have been conducted in the spirit of honesty and in open contact. Our purposes for conducting these surveys have been two-fold:

1. To assure the City officials and other "lay" persons in the community of the existence of discrimination.
2. To seek measures and actions that would assure every person seeking housing in Berkeley the opportunity of acquiring such housing - free from discriminatory practices of owners, real estate brokers and landlords.

In the matter of years we have seen a change in the housing opportunities afforded Negroes in this city.

This change has not meant greater (fairer) opportunities, but a constant restriction placed on the Negro home buyers, and particularly, the Negro renter.

We have seen many Negro professionals being forced to leave the city because of the lack of an open housing market to them. We have seen these same persons buy comparable homes they were seeking in nearby cities.

To us, these persons could have served our community very well. And their loss suggests a deliberate attempt to retard the potential leadership of members of minority groups in Berkeley.

We wish to call to the attention of this body, the following techniques used in discriminating against Negroes:

1. Flat refusal on the part of real estate brokers to show Negro clients housing facilities in certain areas of the city, especially those areas north of University Avenue and east of Shattuck.

2. The harassment used by white agents (real estate) on the question of financing a home purchased in the above mentioned areas. Often they seem to be "protecting" the Negro buyer, whereas this same sort of "protection" is not offered potential white buyers.

3. The often-made suggestion that a Negro should seek out a "front" buyer.

4. Showing a potential Negro buyer fewer homes than would ordinarily be shown a Caucasian buyer.

5. The oft given advice that "you might have difficulty buying in this area" usually reserved for Negro buyers.

In a recent interview with many home owners in the so-called "hill section" of Berkeley, we have discovered that these people are unaware of the real estate agents acting as their spokesmen in the case of who lives where in Berkeley.

It has been community-wide knowledge that 99% of Negroes living in areas (neighborhoods) in the "hill" area of Berkeley purchased their homes either through a "front" buyer or bought directly from the owner.

The mere fact that some Negroes live in these predominately Caucasian neighborhoods does not suggest that Negroes can make such purchases on the open market and through real estate brokers (realtors). It only substantiated the fact that it is impossible - at least nearly - for a Negro home buyer to make purchases through offices of real estate brokers.

When Negroes are forced to make purchases through a "front buyer," or from the willing owners, points out the very existence of racial discrimination in housing in Berkeley.

* * * *

APPENDIX C

1. INTERVIEWS WITH REAL ESTATE BROKERS (April 1962)

In considering a plan for interviewing members of the real estate industry, it was felt that real estate brokers were in a very sensitive position and that interviews would be more candid and informative if conducted by only one or two persons and at a time and place of the brokers' choosing.

A random selection of brokers was made by choosing every tenth name as listed in the telephone directory. Thirteen brokers were chosen in this manner, ten agreed to be interviewed. Of the ten, seven were members of the Berkeley Realty Board, three were not. Five were Caucasian, five were of a minority race.

Five additional real estate firms were selected. It was felt that by virtue of their size, volume of sales and reputation, these firms would probably exert influence on the policies of the Berkeley Realty Board and on the pattern of real estate practices in Berkeley in general.

Each broker or organization was interviewed by two members of the Citizens' Committee. In all, ten people participated in the interviews. At the beginning of each interview, special emphasis was given to the fact that the interviews were confidential and that no broker nor organization would be identified in any way.

We were primarily interested in practices, encouraging brokers to illustrate their points with specific examples of their experience relevant to the inquiry. However, an effort was made to keep the interview situation sufficiently flexible so that brokers would feel free to discuss their own attitudes, the attitudes of other real estate people, the attitudes of the public.

Of necessity, interviewing techniques and subject matter of the interviews differed, however, the interviews in general covered areas developed by the following six questions:

1. Are opportunities for qualified minority buyers equal in Berkeley?
2. What are your practices in dealing with nonwhite clients? This covered the relationship of Board members to non-Board brokers, listing information in regard to minority buyers, the practice of polling neighborhoods and similar practices.
3. In what areas of Berkeley does your firm concentrate and in what phase of the real estate business do you place most emphasis--sales, rentals, new construction, etc.?
4. Would you make, or have you made, a first entry sale to a nonwhite buyer in an all white neighborhood?
5. Do property values decline when a minority family moves in?
6. What solutions can you suggest to lessen the problem of discrimination in housing in Berkeley, if you feel that it exists?

Answers to the above six questions developed the following information:

1. Are opportunities equal? There was only one answer to this question-- No. The majority of the brokers amplified this negative answer by statements that discrimination was widespread and "a problem".

The predominant reasons given for the segregated pattern of Berkeley housing were as follows, in the order of the number of times used:

a) All cited discrimination on the part of owners who will not sell to minority buyers either because of personal prejudice or because they assume prejudice on the part of their neighbors. Many mentioned in this context the popular misapprehension that neighbors' property values would be adversely affected.

b) Some brokers felt that the real estate industry in the past had done much to establish segregated patterns by a system of discouraging sales to minorities except where there were one or more minority families on the block. However, although this was cited as past practice by several, most felt that the broker, acting as an agent of the seller usually did not intervene to prevent sales to minority families since the owners themselves were largely unwilling. Some brokers felt that brokers actively "protected" all-white areas from minority encroachment.

c) The majority of brokers interviewed had very little rental business. Here the attitudes of the landlord owner were decisive in making rental units available to qualified minority applicants even though the agent might be attempting to conduct his business on a non-discriminating basis. No broker who was asked admitted to racially discriminatory listing of rentals; of the three builder-broker companies interviewed, two blamed discrimination on managers while one said that the number of minority families (Negro and Oriental) now living in his predominately Caucasian units was limited by (1) economic factors, (2) Oriental unwillingness to rent, (3) conscious policy of his firm to keep an integrated building proportional to population percentages--a policy which they have not had the necessity of enforcing, as yet.

d) A few brokers felt that lending agencies perpetuated segregated housing practices through prejudiced evaluation of marginally qualified minority buyers. Two cited instances of individual bankers whose advice to owners concerning the effect upon property values of a sale to minorities was prejudiced. However, the majority of the brokers were prepared to give the lenders a clean bill of health.

e) A very small number of brokers held that Negroes (who were generally admitted to be least acceptable to the majority group) themselves are responsible for discriminatory practices. These brokers felt a conscious program of self-education and discipline on the part of the Negro minority would result in better majority acceptance.

2. What area and what type of business? In answer to this question we found that for the most part business patterns were segregated in much the same way as living patterns, with white brokers doing the majority of their business in white areas and minority brokers, in minority areas, with a

greater range of availability of listings open to the Caucasian brokers. Few had heavy rental business--the total number of listings of the largest firm had less than half that handled by the free University Housing Service.

3. What is your policy in handling nonwhite clients? Practices concerning showing of houses to prospective minority buyers varied greatly. Minority lookers were not turned away if they appeared at a "Home Open" showing. Some brokers would check with the owner and not show the property if it were not available to a minority buyer. Others would insist that the owner allow the showing even though he would not sell. Several stated that they would show on the assumption that the owner would not object.

Practices concerning listing of property for sale or rent also varied. Most brokers indicated that the subject of restriction on the basis of race was not brought up but if the seller indicated a discriminatory preference it was so recorded. Some firms will ask the seller to state a preference in language which tends to influence the answer. A few brokers indicate, when asked by seller, that they will not take discriminatory listings.

Most white brokers had very few nonwhite prospective buyers but when this situation existed most brokers felt that they should check with the owner before taking a minority offer. Many felt that a check or poll was warranted or desirable if the owner was indifferent or willing to sell to a minority. Some felt that a poll was not necessary and did not practice this technique. At least one broker thought it was unethical, stating that a poll had the effect of organizing opposition to nonwhite buyers.

Several brokers felt that if the owner did not state a racial preference in the listing agreement and refused a qualified minority buyer offering the agreed listing price then the broker could legally claim the commission involved. However, none of these brokers felt that they would seek legal redress.

None showed indifference to the wishes of the owner to the degree of circumventing the owner's desire in the matter, although several had been involved unknowingly in "front sale" procedures. Some brokers advocated "front sales" as the final solution, when conciliation or persuasion failed and the buyer was determined. However, only one broker indicated any willingness to be involved in such a transaction.

There was no set pattern to the cooperation policies of Board members with non-Board members (presumably minority brokers). Some Board members said that they would have no transactions with non-Board members. Others cooperated with non-Board members only when the listing market was lean or when the non-Board member volunteered the information that his client was a Caucasian. A few Board members will seek cooperation with a non-Board member when he cannot satisfy his client with his own listings, but Board members do not welcome a reciprocal arrangement.

Practices reflecting awareness of the Civil Code prohibiting discrimination in business showed that although all brokers interviewed were aware of the fact that there is a law, there was a wide variation in their understanding of how it could affect them. One broker believed that he could be fined \$250 for not showing to minorities. Some felt that a discriminatory statement on the listing was illegal. Others felt that without a discriminatory statement on the listing, the listing was legally open to all races. One felt that a broker

should not be involved in a discriminatory clause even to the extent of typing it and that the owner must write and sign it on the listing. All reflected knowledge of the law, if in no other way than by the insistence that they, as a business, did not discriminate.

4. Would you make a first entry sale? Some brokers had not and would not, as they felt that it would "ruin their business" in their particular area. Others had not but, since they did not discriminate as a business, accepted the possibility that they would in the future and did not feel that it would hurt their business. Most had made a "first entry" and survived, with varying degrees of aplomb, the threats of business reprisal and complaints from other brokers and neighbors, when these had occurred. First entry appeared to be easier in certain districts--professional neighborhoods as compared to lower middle-class. First entry of an Oriental is less difficult than that of a Negro. Complaints have decreased markedly in the last two years.

5. Do property values decline? The answer by a majority of the brokers was "No". A few felt that their experience had shown that property next door to a Negro family in an all-white district tended to move more slowly, thereby lowering its value for a quick or forced sale. A very few felt that there was no question but that property values were lowered by minority encroachment, as a result of lowering the number of potential buyers who would consider the district desirable. A few believed that sales to minorities increased property values, although the implication here was the increase would occur as a neighborhood was becoming predominantly nonwhite.

6. What solutions can you suggest? In discussing solutions that might lessen the problem of discrimination in housing in Berkeley most brokers were quick to point out that although in actual practice the Berkeley Realty Board was not open to nonwhite applicants in the past, this condition no longer exists. They feel that the admission of minority members to the Board will trigger other changes which must have the overall result of lessening the problem.

Many brokers felt that the vast improvement in public attitudes indicated that time would solve the problem. Most of these brokers used the phrase, "It can't be forced." Their explanation for the change in public attitudes ranged from the general sense of inevitability -- "it can't be stopped" -- to acceptance through familiarity -- "people see that a nice minority family fits in well in the neighborhood and they become less prejudiced". A greater number of brokers favored the latter theory.

Many cited education as the most hopeful solution. The methods of education were somewhat vague, but included education of realty salesmen, public education through the schools, group activities, church leadership, etc. The enthusiasm of the "education" proponents was usually linked in the interview with their sense of virtue over their own lack of prejudice.

Some felt that the question was somewhat academic, since few Negroes had attained the economic level which would enable him to buy in predominantly white districts anyway, and that Orientals were now sufficiently acceptable to the majority group as to have no real problem. A few of this group believed that improvement of the earning capacity of minorities should be the goal of any public action.

A few expressed the hope that the Realty Board would adopt a more stringent code of ethics, similar to the one in San Jose which would encourage some

of the more reluctant brokers to eliminate discriminating practices from their conduct of the real estate business.

Most expressed the fear that legislation, a housing ordinance, would be adopted in the city. They warned against it. Only one of those interviewed seemed sympathetic to a fair housing ordinance.

Summary of Interviews with Real Estate Brokers

Submitted by James Carey, Chairman, Program Subcommittee

The purpose of the interviewing was to determine the existence of housing discrimination in Berkeley and how it was related to the practices of brokers and realtors. We noted that discrimination does exist according to the brokers interviewed and that the role the broker plays vis-a-vis the owner and potential minority buyer tends to sustain it. The informal understandings among the members of the Realty Board about which neighborhoods are "ready" for integration, at least in the past, played an important role in sustaining the present segregated pattern.

The situation of the individual realtor in this system is a complex and difficult one. On the one hand he feels compelled to act on the legitimate instructions of his seller, and on the other he is concerned about articulate opinion in the community that is opposed to discrimination. He does not see his task as one of educating the seller although he would like more clarification on what the civil code is, within which he must operate. He is amenable to educational programs for his own salesmen and would participate in joint projects with other community groups to educate the public. The policy setters seemed anxious to remedy the situation of housing discrimination. They seemed genuinely embarrassed over the Berkeley picture and felt that, in the popular mind, the Realty Board was held responsible for housing discrimination. They felt responsible to change this negative public image.

The context of pressures within which the realtor must operate: the seller's wishes, the civil code prohibiting discrimination, pressures from the organized association of brokers and public opinion restrict the area of freedom which the individual realtor has. Within this circumscribed area, however, the realtor's convictions do play a real part. (He can influence the preferences of the seller, he can steer minority clients away from all white areas, he can discourage first entries and the like.)

What came through most of the interviews, however, was that discrimination was not primarily a private thing. It was not due to isolated and unrelated acts of bad sellers or realtors. It seemed to be an ingrained pattern of action that transcended any individual broker's feelings about it. Under these circumstances even the most fair minded person--the individual who wants to do right, be he Negro or white, individual real estate agent or ordinary home owner, finds it difficult to "buck the system." By himself the individual cannot effectively tackle this institution of segregation. It requires group action on the part of the realtors themselves in formulating a more comprehensive code of ethics, on the part of interested groups in the community who can do a job of shaping public opinion against discrimination, and on the part of the community as a whole, through its City Council, which can set the standards by which we all operate.

* * * *

2. REPORT ON THE UNIVERSITY HOUSING SERVICE

The University of California has a non-discriminatory housing policy which it administers through an integrated staff for the benefit of approximately one-third minority renter group in a basically non-accepting city. Because the Housing Service office offers a service rather than a business, most listers feel or claim to feel that they are "doing the University a favor" by helping to house its large student population and staff.

University administration of the Housing Service started in 1947, when the ASUC could no longer carry on with the listing service which it had tried to maintain for some time. When the Housing Service started from the ASUC files, they found that the files were segregated into religious preferences, e.g., "room available to Catholic male student" etc. Since the University could not handle listings on that basis, they contacted all the listers and consequently lost the majority of the listings. At that time, racial preferences were not a real part of the problem, said the Housing Service informant.

The informant claims that when the file system for the Housing Service was organized, the policy of the University pertaining to any kind of discrimination, religious or racial, was made clear to the lister by (1) explanation over the telephone by the staff, (2) mention in any written communication with the lister, (3) by wide publicity, (4) on the outside of folders of listings available to potential renters in the office. The informant felt that public understanding of the non-discriminatory nature of the Service was widespread, and that the complaints from "activists" (her word) that the listers neither understood the policy or were practicing discrimination, were unfounded. The policy was tightened in the Spring of 1960 to a system of signature card and letter to be sent to every lister using the Service.

The reaction to this change was widespread. The staff members spent two months on the phone explaining the change in the method of handling the same old policy. The major portion of the objectors among their regular listers were not discriminators, said the informant, but rather "idealists" who objected to signing something which pledged them not to do something which they were already not doing. The informant did not feel prepared to speculate what percentage of these objectors were sincere (although she brought up the speculation). A large percentage of the listers were lost at that time. (It has been estimated by an outside source that as many as 50% may have been lost.)

The Housing Service has instituted fairly recently a system for handling complaints. It uses a Committee (2 students, 2 faculty, 2 administration) which investigates the merits of complaints in a variety of ways, with conciliatory aims. However, if evidence of racial discrimination is clear, the lister is removed from the files. The informant seemed to feel that a majority of the discrimination complaints were unfounded, citing many examples of a minority or foreign student misunderstanding the motivations of those who rejected them as renters, but admitted that some examples were indeed real.

To give some idea of the magnitude of its "business", the Housing Service handles approximately 4,000 rental listings per year for rooms and apartments, plus approximately 900 "faculty listings" of houses for rent for a limited period. The University does not own any housing (other than residence halls) which it rents, except buildings which it buys from time to

time with plans to tear them down. The Housing Service will not handle listings which involve a fee to the renter, but does refer the students to the Gazette and to a list of Realty Board members.

The interviewer believes that the Housing Service is under such tremendous pressure to find housing in the city for its growing student and staff population (27,000 students by 1970) that a firm administration of the avowed non-discriminatory policy is virtually impossible.

A quotation from "Housing Bias in the College Community" by Edward Rutledge from the Journal of Intergroup Relations, sheds further light on the University policy. The article notes the policy of the University of California and then says, "However, the policy is not set forth in the housing directories issued separately for men and women students. The University's Housing Supervisor has said: 'Obviously, we cannot tell house-holders what persons they can take in their homes, nor do we feel that we have the right to tell students that they may not live in the homes of people who do not wish to live by the University's rules'."

* * * *

APPENDIX D

CENSUS TRACT INFORMATION

1. A SUMMARY OF SELECTED POPULATION AND HOUSING CHARACTERISTICS IN BERKELEY AS REVEALED BY PRELIMINARY FINDINGS FROM THE 1960 U.S. CENSUS. *

(Report prepared by Wm. B. Nixon, Urban Renewal Coordinator, City of Berkeley, October 31, 1961.)

1. While Berkeley has experienced a slight decline in its total population, the proportion of nonwhites has increased to 26.1 percent in 1960.

Population Change by Race in Berkeley, 1950-1960

	Number Of Persons		% of Total Population		1950-60 Change	
	1950	1960	1950	1960	No.	%
Total	113,805	111,268	100%	100%	-2,537	-2.2%
White	96,268	82,081	86.6	73.9	-14,187	-14.7
Nonwhite**	17,537	29,187	15.4	26.1	+11,650	+66.4
(a) Negro	13,289	21,850	11.7	19.6	+8,561	+64.4
(b) Other Races	4,248	7,337	3.7	6.5	+3,089	+72.7

** The group designated as "nonwhite" includes Negro, Indian, Japanese, Chinese and Filipino. Persons of Mexican birth or ancestry who are not definitely Indian or of other nonwhite race are classified as white.

* Sources of this report:

- (1) Preliminary report of the 1960 U.S. Census of Population for Berkeley, California.
- (2) Berkeley Planning Commission, "Berkeley Census Totals -- 1940, 1950 and 1960," March 1961.
- (3) Advance Report - Housing Characteristics by States, HC(A1)-5, 1960 Census of Housing, March 1961.
- (4) City Blocks, HC(3)-26, 1960 Census of Housing, August 1961.

2. Concentration of nonwhites by residence in 1960 continues in the southern and western sections of Berkeley. Members of other races (than white or Negro) have moved into more sections of the city in larger proportion than their percent of the 1950 or 1960 total population in contrast to the relatively limited mobility shown by Negroes.

Changes in Concentration of Nonwhites by Selected Census Tracts
in Berkeley - 1950-1960 ^{1/}

Tract	% Negro of Total Population		% Other Races of Total Population	
	1950	1960	1950	1960
City	11.7%	19.6%	3.7%	6.5%
1A	36.3*	42.5*	5.9*	7.3*
1B	18.9*	49.9*	4.3*	3.3
2A	68.9*	86.9*	3.0	2.0
2B	76.1*	91.4*	6.5*	3.4
2C	50.0*	76.0*	19.1*	12.7*
2D	45.0*	72.8*	3.5	4.2
3A	4.3	34.9*	4.6*	8.8*
3B	0.1	1.4	1.8	8.3*
4A	0.1	22.7*	2.0	10.2*
4B	0.2	11.6	6.1*	16.3*
4C	0.3	1.7	3.0	11.2*
4D	0.7	18.5	5.3*	14.5*
4E	3.9	21.5*	5.0*	13.1*
5A	0.3	1.5	5.2*	8.6*
5BA	0.3	0.9	3.2	6.9*
5BB	NR	0.3	NR	10.1*
5E	0.0	0.2	4.2*	7.9*
Total Number of * Tracts	6	9	10	13

^{1/} Tracts selected had a higher concentration than the City average of one or both nonwhite groups.

* Tracts where there were a higher proportion of Negroes or of members of other races than their city-wide percentage for the particular census year.

NR Tract not reported in 1950

3. There has been a decrease in the proportion of home owner-occupancy between 1950 and 1960 for both whites and nonwhites. However, nonwhites have increased as a proportion of the total number of owner-occupants from 11.3% in 1950 to 24.0% in 1960.

Percent of Owner-Occupancy, 1950 and 1960

Year	Total Housing Units	Owner-Occupancy City-Wide <u>1/</u>		Owner-Occupancy Among Whites <u>2/</u>		Owner-Occupancy Among Nonwhites <u>2/</u>	
		No.	%	No.	%	No.	%
1950	37,460	17,400	46.4%	14,996	46.9%	2,404	52.7%
1960	41,568	17,447	42.1%	13,283	42.8%	4,194	48.3%
Change	+4,108	+47	-4.3%	-1,713	-4.1%	+1,790	-4.4%

1/ Percent of all housing units, occupied and vacant.

2/ Percent of housing units occupied by particular group.

* * * *

4. Berkeley has 11.2% of its housing units in a condition of inadequacy, i.e., either structurally deteriorating or dilapidated or else structurally sound but lacking some or all plumbing facilities. Occupancy of inadequate housing units appears to be somewhat related to the race of occupant as such since nonwhites occupy 23.8% of all inadequate units while constituting 21.9% of all households.

Adequacy of Housing in 1960

Condition	City-Wide		Occupied by Whites or Vacant		Occupied by Nonwhites	
	No.	%	No.	%	No.	%
Total Housing Units	41,568	100%	32,891	100%	8,677	100%
Inadequate	4,653	11.2	3,547	10.8	1,106	12.7
(a) Sound but lacking some or all plumbing facilities	1,391	3.3	1,154	3.5	237	2.7
(b) Deteriorating <u>1/</u>	2,986	7.2	2,198	6.7	788	9.1
(c) Dilapidated <u>2/</u>	276	0.7	195	0.6	81	0.9
Sound with all plumbing facilities <u>3/</u>	36,915	88.8	29,344	89.2	7,571	87.3

1/ A deteriorating unit needs more repair than would be provided in the course of regular maintenance.

2/ A dilapidated unit has one or more critical defects or inadequate original construction or a combination of intermediate defects resulting in the lack of provision of safe and adequate shelter.

3/ A sound unit requires no repairs or repairs commonly carried out in the course of regular maintenance.

5. Inadequate housing units were found in every Berkeley census tract in 1960 but 8 tracts had a higher than city-wide average proportion of inadequate units. Only two of these tracts had a higher than city-wide average percentage of nonwhites.

Census Tracts in 1960 Containing a Higher
Percent of Inadequate Living Units Than
The City-wide Average

<u>Tract</u>	<u>Inadequate Living Units as a Percent of Total Units</u>	<u>Nonwhites as a Percent of Tract Population</u>
City-wide	11.2	26.1%
1B	20.7	53.2
2B	27.8	94.8
3C	20.9	3.7
3D	14.5	3.2
5A	33.2	10.1
5BB	33.6	10.1
5BC	21.8	2.4
5E	15.5	8.1

6. A major problem in the housing situation of nonwhites in Berkeley is the overcrowding of too many persons into housing units which are too small to meet their needs. A standard of 1.01 or more persons per room is used to indicate overcrowding. By this standard 12.9%, (i.e., 1,122 units), of all housing units occupied by nonwhites are overcrowded in contrast to 3.0%, (i.e., 915) of all units occupied by whites. A total of 2,037 housing units were overcrowded throughout the city, i.e., 5.1% of all housing units.

7. The housing units occupied by nonwhite owner-occupants generally are in a better physical state of repair than the units occupied by nonwhite renters.

Condition of Housing Occupied by Nonwhites in 1960

<u>Condition of Housing Unit</u>	<u>Owner Occupied</u>		<u>Renter Occupied</u>	
	<u>No.</u>	<u>Percent</u>	<u>No.</u>	<u>Percent</u>
Total Units	4,194	100%	4,483	100%
Sound with all plumbing	3,881	92.5	3,690	82.3
Sound lacking some plumbing	34	0.8	203	4.5
Deteriorating	260	6.2	528	11.8
Dilapidated	19	0.5	62	1.4

8. The census tracts having the least expensive housing tend to have higher concentrations of nonwhites than the city-wide average percent of nonwhites. All eight of the census tracts composing the lowest quartile of tracts by median value of owner-occupied homes (i.e., \$13,000 or less) had 32.9 percent or more nonwhites. Six of the seven tracts composing the lowest quartile of tracts by average monthly contract rent (i.e. \$70 or less) had 43.7 percent or more nonwhites. No family income statistics are available at this time to determine the proportion of family income being spent on housing in Berkeley.

Size and Cost of Housing by Occupancy Status and Census Tract in 1960

Tract	Percent Nonwhite	Owner-Occupied Homes		Renter-Occupied Units	
		Median Value	Avg. No. Rooms	Avg. Rent	Avg. No. Rms.
City-wide	26.1%	\$19,200	6.0	\$79	3.4
1A*	49.8	11,500**	4.9	66***	3.9
1B*	53.2	11,000**	5.2	61***	3.8
2A*	88.9	13,000**	5.3	68***	3.7
2B*	94.8	12,500**	5.5	67***	3.5
2C*	88.7	12,500**	5.5	72	3.7
2D*	67.0	13,000**	5.3	70***	3.5
3A*	43.7	13,000	5.5	67***	3.6
3B	9.7	15,000	5.7	83	3.4
3C	3.7	21,000	6.3	79	3.3
3D	3.2	25,000	7.4	91	3.7
3E	2.0	32,000	8.2	128	4.4
4A*	32.9	12,500**	5.0	72	3.5
4B*	27.9	13,500	5.2	76	3.6
4C	12.9	14,500	5.6	79	3.8
4D*	33.0	13,000**	5.2	77	3.9
4E*	34.6	14,500	5.2	76	3.4
5A	10.1	22,000	4.3	63***	2.2
5BA	7.8	28,000	5.8	91	3.2
5BB	10.1	27,000	5.3	73	2.5
5BC	2.4	33,000	6.6	90	2.9
5C	2.7	26,000	6.4	110	4.1
5D	2.8	17,500	6.0	88	3.7
5E	8.1	21,000	5.5	76	3.1
6A	1.7	21,000	7.1	117	5.1
6B	3.3	25,000	6.3	108	4.3
6C	2.1	26,000	6.5	129	4.9
6D	2.4	27,000	7.3	129	5.7
6E	0.8	18,500	6.2	101	4.9

* Census tracts having a higher percentage of nonwhites than the city-wide percentage of nonwhites.

** Census tracts in the lowest quartile of tracts by median value of owner-occupied homes, i.e. \$13,000 or less.

*** Census tracts in the lowest quartile of tracts by average monthly contract rent, i.e. \$70 or less per month.

2. REPORT PREPARED BY HELEN E. AMERMAN, RESEARCH COMMITTEE CHAIRMAN, BERKELEY COMMITTEE ON FAIR HOUSING

NOTES ON THE HOUSING SITUATION IN BERKELEY FOR NEGROES, OTHER NONWHITES AND WHITES (Based on Census Tract Data)

The 1960 Census indicates that the City of Berkeley has a population of 111,268. It is 73.9 percent white, 19.6 percent Negro, and 6.5 percent other nonwhites. The city comprises 28 Census Tracts.

The housing situations of Negroes, other nonwhites, and whites in the city have been examined by analyzing the groups of five census tracts in which each of the three racial groups is most heavily concentrated, according to the 1960 Census. On the basis of this analysis, we can say that:

1. Negroes tend to be concentrated in the southwest sector of the city, in the tracts with the highest percentages of dilapidation and housing deficiency, lowest values and rents, and lowest percentages of whites.
2. Other nonwhites are less concentrated geographically, but tend to be located in a band of tracts just north and east of the Negro concentration. While this band is more heavily nonwhite than the total city, it is still predominantly white. The housing is in relatively better condition than that of the city as a whole, and more expensive than that in the predominantly Negro area.
3. Nearly half the white population is in 14 tracts with less than 10 percent nonwhite population. The five tracts with the highest proportions white have better housing than the city as a whole and among the highest values and rents in the city.
4. The differentials cannot be attributed solely to differences of income among the racial groups because of overlaps among the values and rents in the tracts and overlaps in the incomes of the racial groups.
5. The population changes from 1940 to 1950 and from 1950 to 1960, by race, in the three groups of tracts suggests that there has been a flight of whites from areas now characterized by concentrations of Negroes and other nonwhites. The decline of white population in these less expensive areas cannot be entirely explained by an improvement in the relative economic situation of those white residents.

Two-thirds of the city's Negroes live in five contiguous tracts in the extreme southwest sector, which contain 17.1 percent of the total population. These tracts will be referred to as the "inner core". ^{1/}

A little over two-fifths of the city's other nonwhites live in five contiguous tracts which overlap one of the former five and extend directly

^{1/} Census tracts 1B, 2A, 2B, 2C, 2D, bounded by University Avenue, San Pablo Avenue, Dwight Way and Grove Street.

north. These tracts, which contain 21.0 percent of the total population, will be referred to as the "inner band". ^{1/}

Except for two tracts adjacent to these two groups,^{2/} which also have high proportions of nonwhites--49.8 percent and 32.9 percent, respectively--the first group of tracts forms an inner core of high concentration of Negroes, and the second forms an inner band with a high concentration of other non-whites. Tract 1A, whose population is 42.5 percent Negro, is both geographically and functionally related to the inner core. Tract 4A whose population is 10.2 percent other nonwhites, is likewise related to the inner band.

With the exception of three tracts^{3/} immediately east of the inner band, the population in each of the 14 tracts in the balance of the city is at least 90 percent white. The five tracts with the highest concentrations of whites are scattered throughout the eastern half of the city. These tracts will be referred to as the "concentrated white" tracts. ^{4/} They contain 17.8 percent of the city's whites, but only 13.3 percent of its total population.

Most of the city's Negroes live in predominantly Negro neighborhoods. Most of the other nonwhites live in areas which are predominantly white--although the percent white may be lower than for the total city. On the other hand, two-fifths of the city's whites live in tracts which are at least 90 percent white.

Between 1950 and 1960, the city's total population declined by 2.2 percent. However, while the white population decreased by 14.7 percent, the other races increased--Negroes by 64.4 percent, and other nonwhites by 72.7 percent.

In the same decade, the size of the population in the inner core (predominantly Negro) tracts remained about the same and there were small gains in the inner band (highest concentration of other nonwhites) and concentrated white tracts. However, the first two clusters of tracts had experienced major losses of white population--41.0 percent and 21.0 percent, respectively--and compensating increases in the Negro population. In the inner band the other races doubled between 1950 and 1960.

Only 7.8 percent of the city's dwelling units are not sound. Most of the deficient units are "deteriorating", and only 276, or 0.6 percent of the total housing supply, are "dilapidated".

The physical condition of the housing in the inner core tracts is poorest: 1.4 percent are dilapidated and 12.4 percent not sound, including dilapidated--twice as high a proportion dilapidated and over one-and-a-half times as large a percentage not sound as in the total city.

^{1/} Census Tracts 2C, 4B, 4C, 4D, 4E, bounded by the northern city limits, Hopkins, Grove, Russell, Sacramento Streets and University and San Pablo Avenues.

^{2/} Census Tracts 1A, north of University Avenue and west of San Pablo Avenue, and 4A, bounded by University Ave., Sacramento St., Dwight Way and San Pablo.

^{3/} Census Tracts 3A, 5B and 5BB, bounded by University Ave., Fulton St., Bancroft Way, College Ave., Dwight Way, Fulton St., south city limits & Grove.

^{4/} Census Tracts 3E, 5BC, 6A, 6C, 6E.

The physical conditions in the inner band are better than in the city as a whole--about the same proportion dilapidated, but only 2.7 percent not sound.

The concentrated white tracts have only half the city's rate of dilapidation and a slightly lower proportion not sound than in the total city.

Both the predominantly Negro tracts and the predominantly white ones have relatively fewer vacancies than the city as a whole, but the tracts with high concentrations of other nonwhites have 6.8 percent vacant--which is not only high in proportion to the city figure of 4.5 percent, but also relatively high as an index of market conditions.

The percent of home ownership in the inner core and inner band tracts is approximately the same as that for the total city--42.1 percent--while in the concentrated white group the units are 74.1 percent owner-occupied.

There is little overlap in the ranges of median values and average rents for the three groups:

<u>Group of Tracts</u>	<u>Median Value, Owner-Occupied, by Tract</u>	<u>Average Rent Renter-Occupied by Tract</u>
City	\$11,200-25,000+	\$61-131
Inner Core (Negro concentration)	11,200-12,900	61-72
Inner Band (Other Nonwhite concentration)	12,700-14,200	72-79
Concentrated White	18,000-25,000+	90-129

In fact, were it not that Tract 2C is in both the inner core and inner band, there would be no overlap at all.

It is probably an oversimplification to explain the concentrations of Negroes and other nonwhites exclusively in terms of income differentials, although this factor is undoubtedly one important cause. The median value of owner-occupied homes or the average rent of renter-occupied units represents only a mid-point or central tendency in the range of values in a given tract, and there may well be considerable overlapping of ranges among the three groups of tracts. Furthermore, the income data, by race, which will be published later this year, will undoubtedly reveal considerable overlap among the three racial groups.

Moreover, the pattern of racial progression--both geographically and historically--suggests a pattern of flight of whites which probably cannot be explained by a corresponding relative improvement in their incomes:

		<u>Percent Change in Population</u>					
<u>Group Tracts</u>		<u>White</u>		<u>Negro</u>		<u>Other Nonwhite</u>	
<u>City</u>		<u>1940-50</u>	<u>1950-60</u>	<u>1940-50</u>	<u>1950-60</u>	<u>1940-50</u>	<u>1950-60</u>
		+38.5	-14.7	+291.4	+64.4	+125.4	+72.7
	Inner Core (Negro concentration)	-26.3	-41.0	+209.4	+46.7	+48.4	-28.4
	Inner Band (Other Nonwhite Concentration)	+10.1	-21.0	+153.7	+163.6	+122.0	+99.7
	Concentrated White ^{1/}	+1.8	+3.2	+30.3	-20.9	+44.4	+83.3

^{1/} Does not include Tract 5BC which is one of the five, because the boundaries changed.

In the decade between 1940 and 1950, the white population of Berkeley increased 38.5 percent, but it decreased in the inner core tracts, and in the inner band and concentrated white tracts it did not keep pace with the city trend. Between 1950 and 1960 Berkeley lost white population, but the decreases in the inner core and inner band tracts exceeded the city rate, and the concentrated white tracts showed a small increase.

Over the 20-year period, whites declined in the inner core tracts at an accelerating pace. In the inner band tracts, they first increased, but more slowly than in the total city, and then decreased faster than the City rate. Since the housing supply in the inner band tracts increased faster than the population from 1950-1960, the decline in the white population is not necessarily to be explained as simply the complement of an increase in the nonwhite population.

SUMMARY OF DATA ON RACE AND HOUSING CONDITIONS IN THE CITY OF BERKELEY
AND IN GROUPS OF FIVE CENSUS TRACTS CHARACTERIZED BY
HIGHEST CONCENTRATIONS OF NEGROES, OTHER NONWHITE,
AND WHITES, RESPECTIVELY
(Per Cents)

Item	Total City	Highest Concentration Negroes ^{1/} (Inner Core)	Highest Concentration Other Nonwhites ^{2/} (Inner Band)	Highest Concentration Whites ^{3/}
Proportion of:				
Total population	100.0	17.1	21.0	13.3
Total Negroes	100.0	66.0	24.9	0.2
Total Other Nonwhites	100.0	13.7	42.8	2.9
Total Whites	100.0	4.4	18.0	17.8
Negro	19.6	75.9	23.3	0.3
Other Nonwhite	6.5	5.3	13.4	1.4
Change in population				
1940-50	+33.5	+29.7	+21.3	+2.1 ^{4/}
1950-60	-2.2	+0.1	+4.5	+2.6 ^{4/}
Housing Units				
Deteriorating	7.2	11.0	2.2	6.1
Dilapidated	0.6	1.4	0.5	0.3
Vacant	4.5	3.3	6.8	2.3
Owner-occupied	42.1	46.2	45.5	74.1
Proportion of:				
Total nonwhite-owner-occupied housing units	100.0	54.2	34.7	0.6
Total nonwhite-renter-occupied housing units	100.0	56.7	24.3	0.6

^{1/} Census Tracts 1B, 2A, 2B, 2C, 2D.

^{2/} Census Tracts 2C, 4B, 4C, 4D, 4E.

^{3/} Census Tracts 3E, 5BC, 6A, 6C, 6E.

^{4/} Does not include Tract 5BC because of boundary change.

3. CENSUS INFORMATION BY MAPS

Plate 1 - Population change by census tract, 1950-1960.

Plate 2 - Racial distribution by census tract, 1950.

Plate 3 - Racial distribution by census tract, 1960.

Plate 4 - Distribution of Berkeley's nonwhite owner-occupied units, 1950.

Plate 5 - Distribution of Berkeley's nonwhite owner-occupied units, 1960.

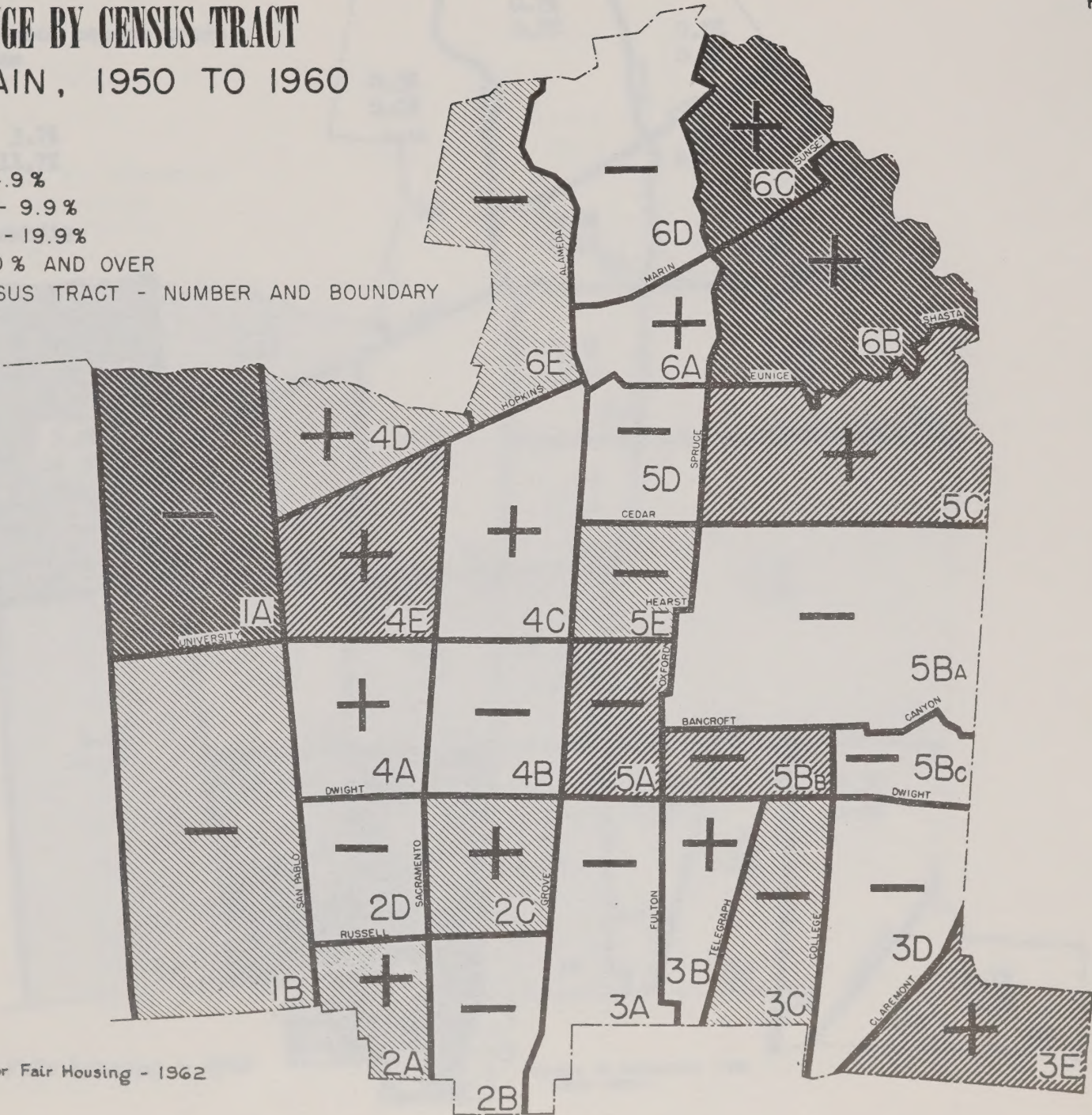
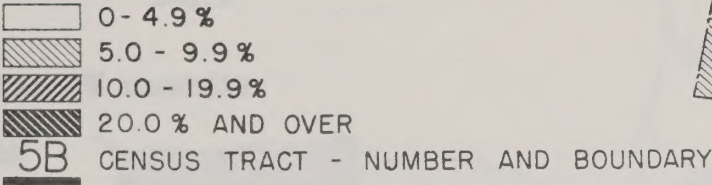
Plate 6 - Distribution of Berkeley's nonwhite renter-occupied units, 1960.

Plate 7 - Number of dilapidated units, by census tract, 1960.

Plate 8 - Median value of owner-occupied dwelling units, 1960.

POPULATION CHANGE BY CENSUS TRACT

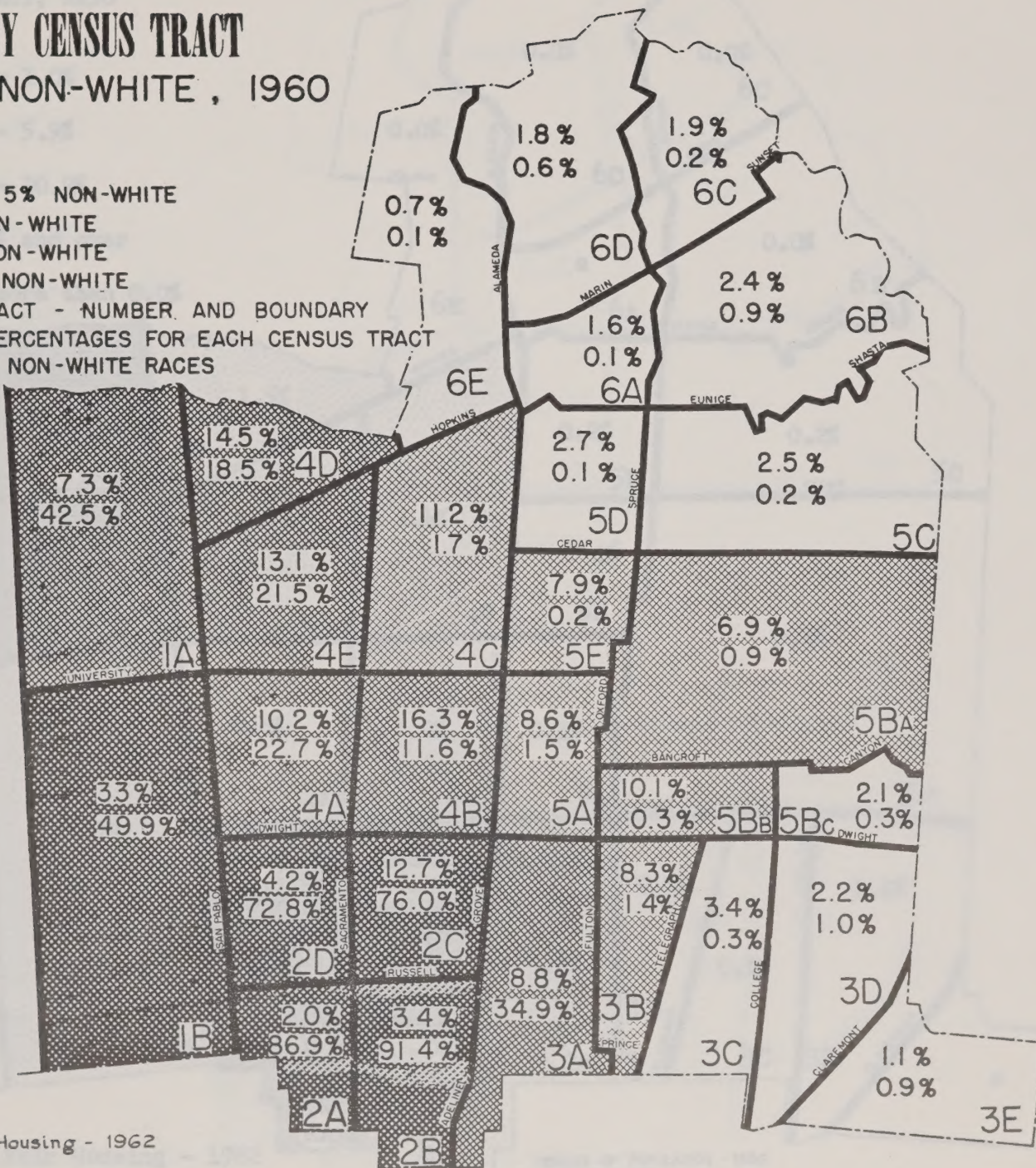
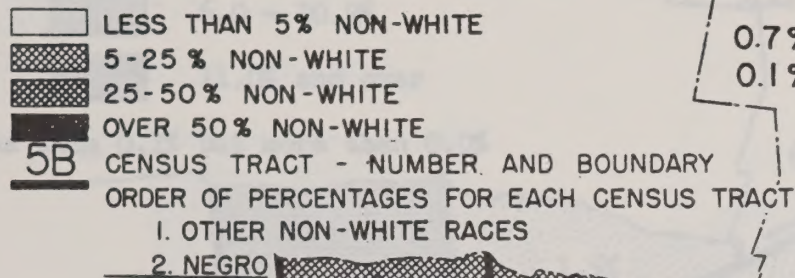
LOSS OR GAIN, 1950 TO 1960



RACIAL DISTRIBUTION BY CENSUS TRACT

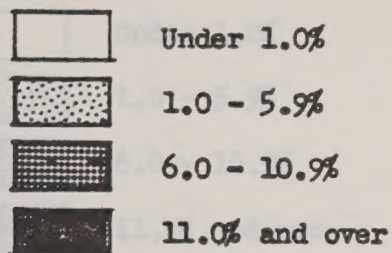
BY PERCENTAGE NON-WHITE, 1960

PLATE 3

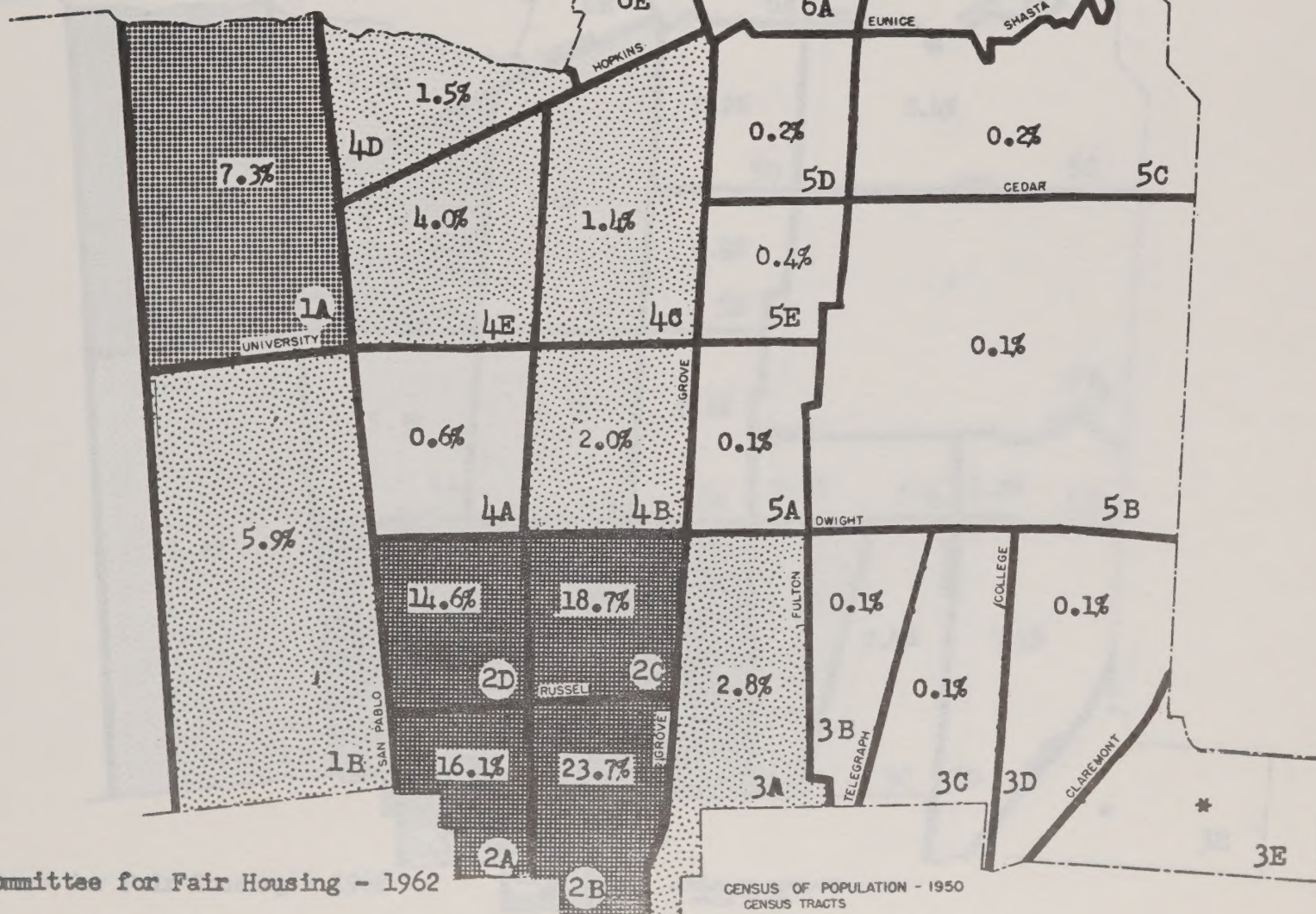


DISTRIBUTION OF BERKELEY'S NONWHITE
OWNER-OCCUPIED UNITS, BY PER CENT
IN EACH CENSUS TRACT, 1950

PLATE 4

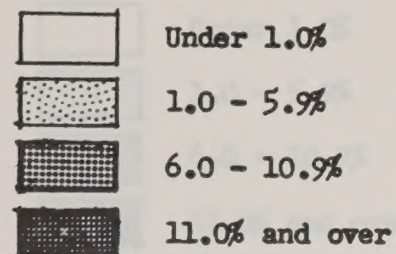


* - Less than 0.1% but more than 0.0%

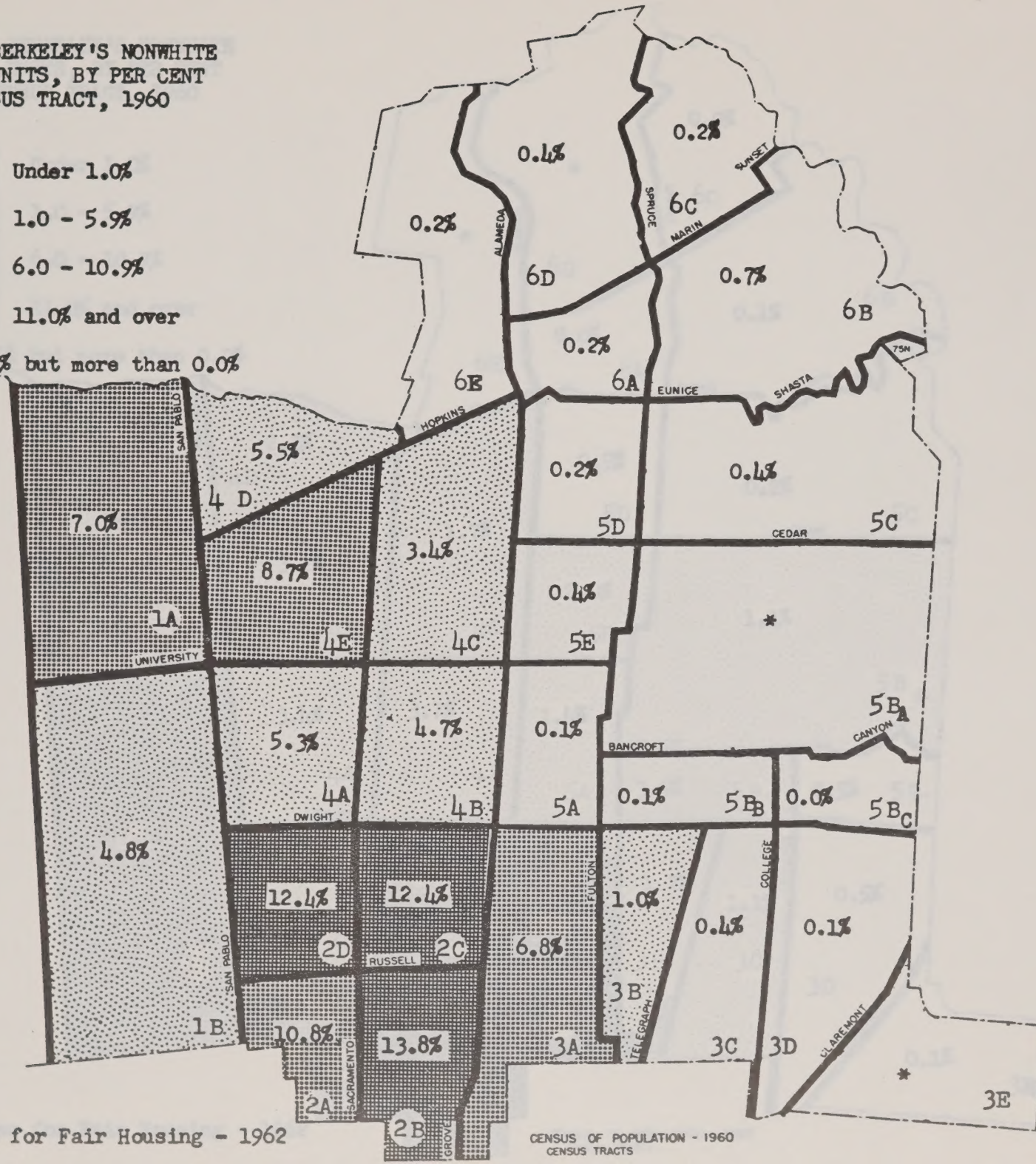


DISTRIBUTION OF BERKELEY'S NONWHITE
OWNER-OCCUPIED UNITS, BY PER CENT
IN EACH CENSUS TRACT, 1960

PLATE 5

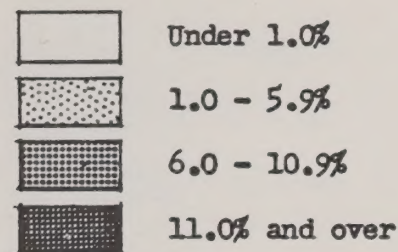


* - Less than 0.1% but more than 0.0%

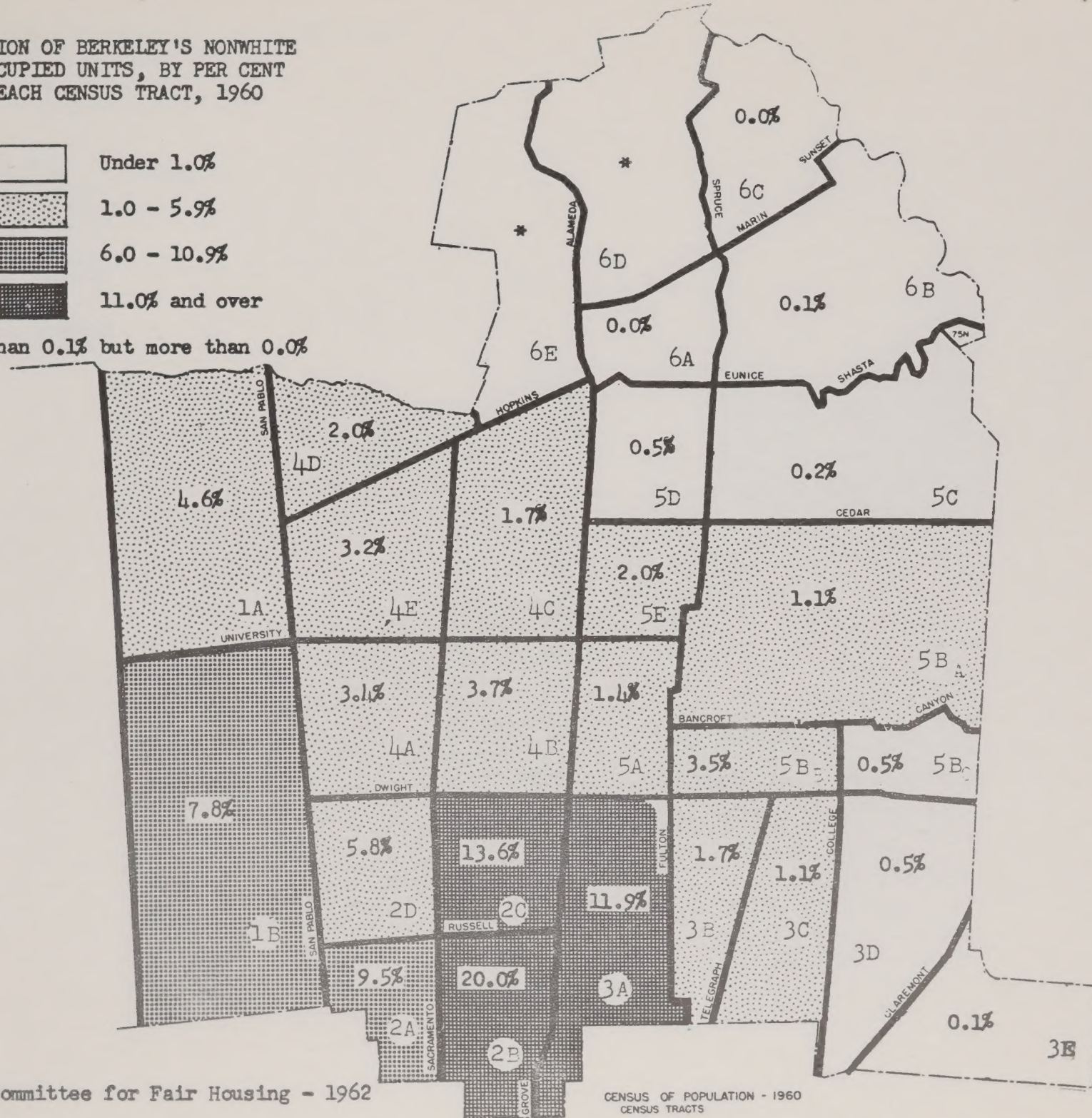


DISTRIBUTION OF BERKELEY'S NONWHITE
RENTER-OCCUPIED UNITS, BY PER CENT
IN EACH CENSUS TRACT, 1960

PLATE 6

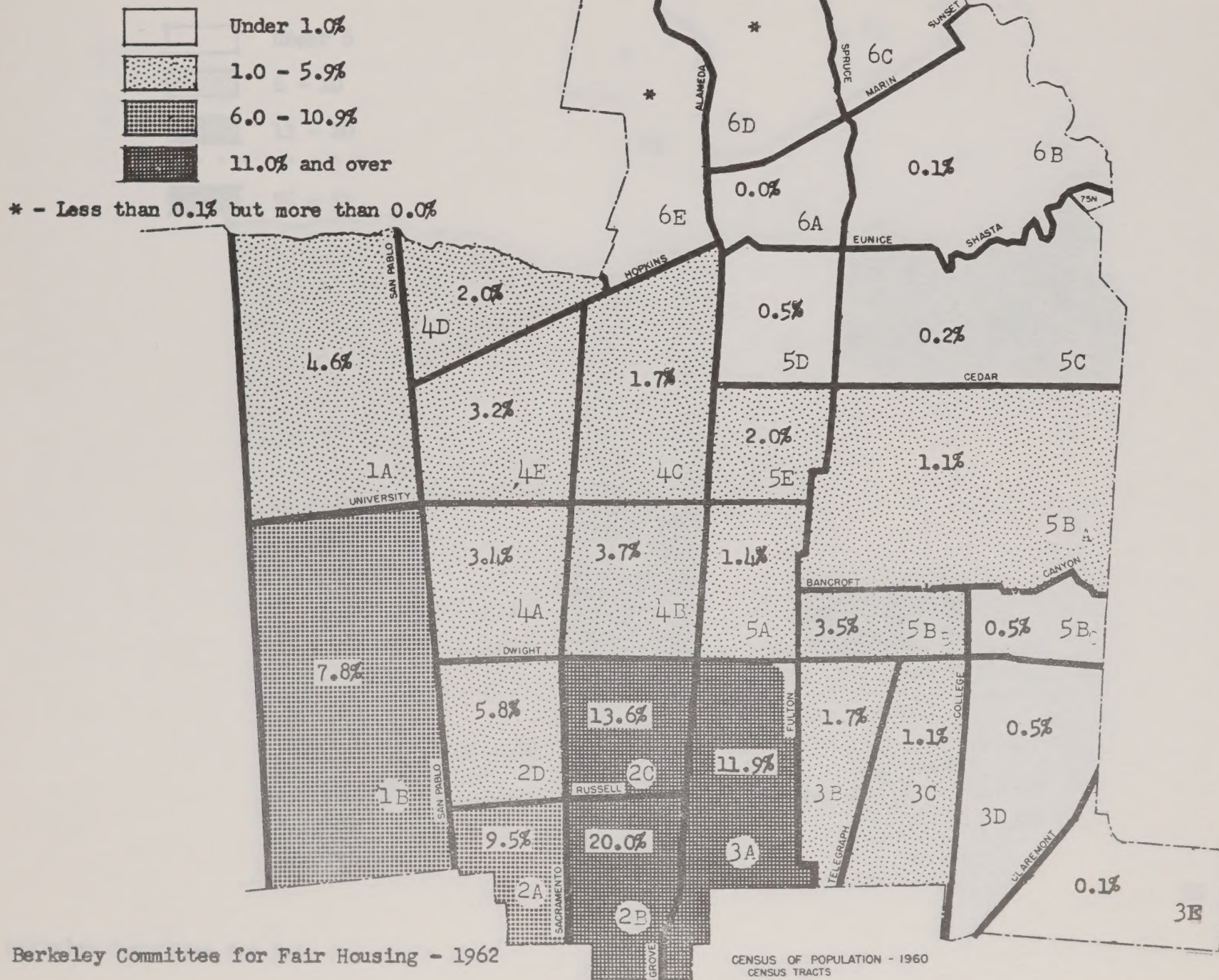


* - Less than 0.1% but more than 0.0%



DISTRIBUTION OF BERKELEY'S NONWHITE
RENTER-OCCUPIED UNITS, BY PER CENT
IN EACH CENSUS TRACT, 1960

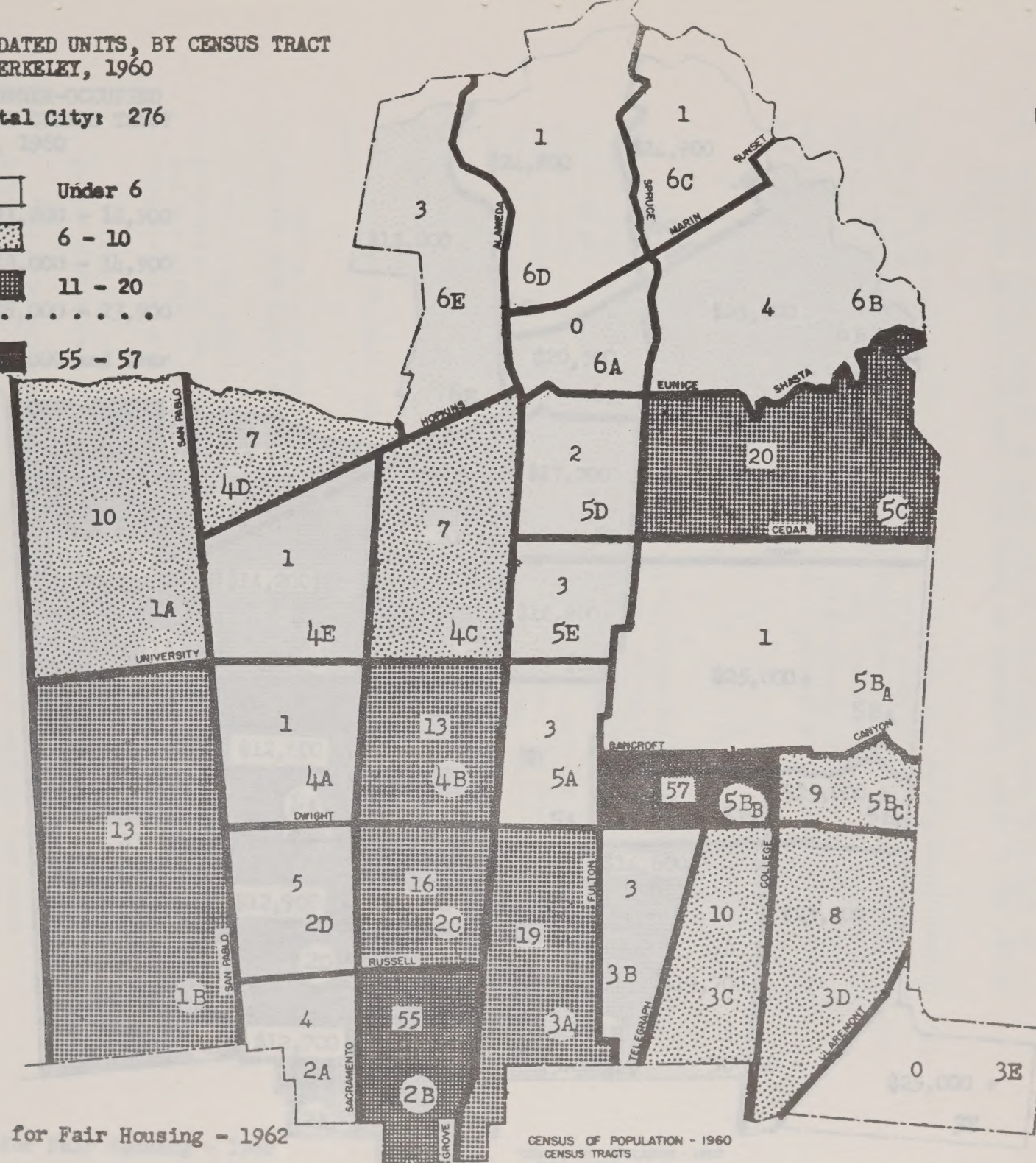
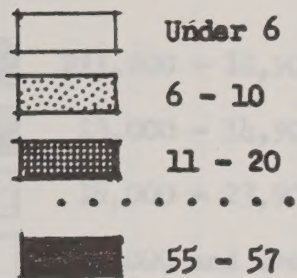
PLATE 6



MARLAN VALES OF CHICAGO
 INSTALLING DUTY, **Total City**
 BEARING, 1940

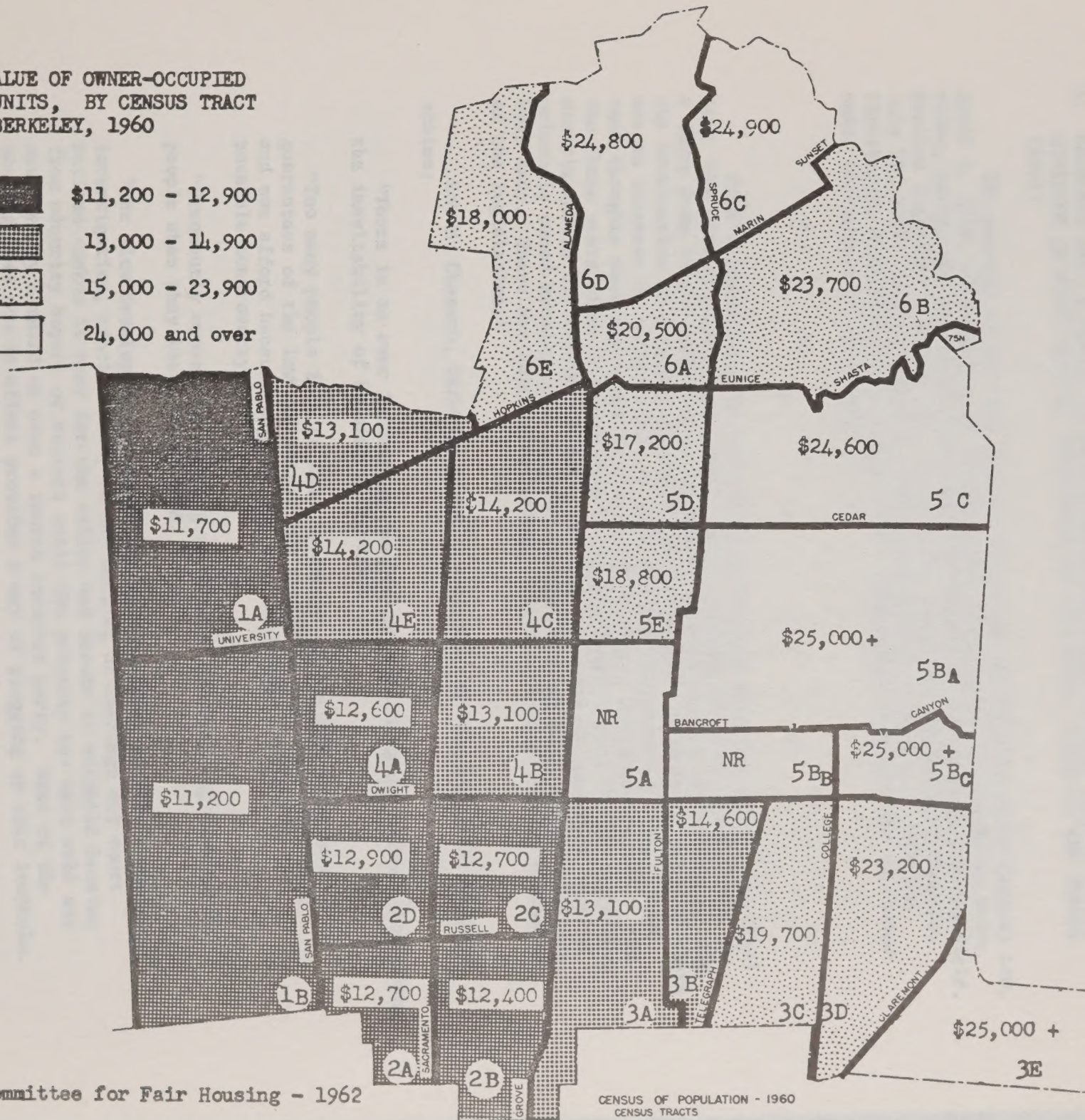
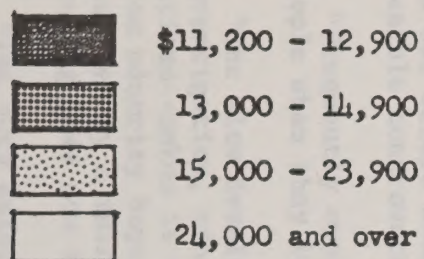
Total City: 276

PLATE 7



MEDIAN VALUE OF OWNER-OCCUPIED
DWELLING UNITS, BY CENSUS TRACT
BERKELEY, 1960

PLATE 8



APPENDIX ELEGISLATION AND OTHER MEASURES IN OTHER AREAS

1. EXCERPTS FROM A REPORT ON FAIR HOUSING PRACTICES LAWS IN ACTION BY DIVISION ON CIVIL RIGHTS, DEPARTMENT OF EDUCATION, STATE OF NEW JERSEY (1961)

The passage of the Fair Housing Practices (or Sharkey-Brown-Isaacs) Law, April 1, 1958, administered by New York City Commission on Intergroup Relations, marked the nation's first such legislation in the private housing field. Similar legislation became law in Colorado, April 10, 1959; Massachusetts, July 21, 1959; Oregon, August 5, 1959; Connecticut, October 1, 1959 and Pittsburgh, Pennsylvania, December 1959. (Subsequent legislation is listed under Scoreboard of Laws, page 43 .)

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COIR'S (Commission on Intergroup Relations) Director of Housing (has) said "the dire predictions of white tenants moving out when Negroes move in, a sharp drop in the construction of rental housing or home construction, and the devaluation of property failed to materialize." In fact he revealed there was an increase in construction in 1959 and 1960 compared to 1958. These same thoughts were expressed by the New York Times, February 17, 1961. "In the three years since New York City's Sharkey-Brown-Isaacs Law has forbidden discrimination for reasons of race, religion or color in rental or sale of privately owned housing some progress toward assuring equal opportunity has been made. There has been no calamitous effect as feared by some opponents of the legislation."

Roy M. Chapman, Director, Anti-discrimination Commission of Colorado states:

"There is an ever increasing number of majority group persons accepting the inevitability of housing integration..."

"Too many people fail to take advantage of the open occupancy guarantees of the law and settle for something less than they want and can afford because they do not want to become involved in a possible controversy."

"Frequently owners are willing to sell or rent housing to minority people when they learn about CFHA."

"The slow development of housing cases--deciding to file a complaint investigation, conciliation, to say nothing of hearings and court actions--makes it easy for the seller and lessor to withhold housing from minority buyers or renters until the property has been sold and occupied by a third or even a fourth innocent party. None of the housing laws now in effect provides a way of plugging up this loophole."

"The very existence of state fair housing laws produces more freedom of choice in housing by minority people in much the same way that a 'school zone' traffic sign causes motorists to slow down."

The Oregon Real Estate News, the official publication of the Oregon Real Estate Department, printed this statement in its July 1959 issue:

"The new laws are in keeping with the policy of the State of Oregon, that there be 'no discrimination based on race, color, religion or national origin'.

"The law provides 'no real estate broker or salesman shall accept or retain a listing of real property for sale, lease or rental with an understanding that a person may be discriminated against with respect of the sale, lease or rental thereof solely because of race, color, religion or national origin'.

"This simply means that every licensee treat everyone the same whether their skin be white, yellow, brown or black. It is proper to talk with all your prospects and find out what they can afford to buy and then show them what you have to sell. The purchaser is the one to decide where he wants to live, and all written offers must be submitted to the owner. An owner does not have to sell but if the offer conforms to the listing he owes you a commission if he refuses to sell.

"You must not accept a listing in which you agree to discriminate for the reasons listed above or have an 'understanding' with the owner you will discriminate...."

It is interesting to note that the Oregon Housing Act "has help from the new real estate law, also enacted in August 1959, which permits the Real Estate Commissioner to suspend or to revoke the license of any real estate broker or salesman who is found to violate the state housing act. To date (Nov. 1, 1960) the Real Estate Commissioner has not had to evoke such a penalty."

The Fourteenth Annual Report of the Massachusetts Commission Against Discrimination December 1, 1958 - November 30, 1959 reported:

"To aid the home buyer seeking housing accommodations not covered by civil rights legislation, private citizens in a number of localities have organized themselves into Fair Housing Committees. They are working to create an open market in their communities where all citizens may bargain on an equal basis with whites for housing....

"In addition they have built up lists of resident owners willing to sell their homes on a non-discriminatory basis. They offer to aid Negroes and other minority group members seeking homes in their community by house hunting with them and by carrying on educational campaigns among their neighbors.

"The Commission is encouraged by the growth of these committees in Arlington, Brookline, Cambridge, Natick, Needham, Newton, North Wilmington, Sharon, Sudbury, Wayland and Wellesley...

"Real Estate Brokers in Massachusetts,' a Commissioner of the Massachusetts Commission stated, 'have been very cooperative with us. They co-sponsored a one day Work Shop at Boston College last year on the Fair Housing Practices Law. They have arranged for the Commission to speak at their Broker Institutes throughout the state, have mailed information about the law to all of their members, and are going to send posters to all members in their next mailing. We have their official cooperation."

COIR received a total of 639 complaints since the inception of its jurisdiction over private housing April 1, 1958 until December 31, 1960. Table I indicates the status of complaints and their settlement. (See below.)

Table II shows the disposition of complaints received between April 1, 1958 and December 31, 1960. (See below.)

The State of Connecticut, Commission on Civil Rights, registered 38 complaints from October 1, 1959 through December 31, 1960. The types of housing complaints and their dispositions are presented in Table III. (See on page 37.)

TABLE I - COIR (Commission on Intergroup Relations-New York City)
STATUS OF COMPLAINTS AND TYPES OF SETTLEMENT

<u>Case Category</u>	<u>Closed as of</u> <u>12/31/60</u>	<u>Active as of</u> <u>12/31/60</u>	<u>Total</u> <u>4/1/58-</u> <u>12/31/60</u>
I. Sworn Complaints	545	94	639
<u>Types of Closing</u>			
Satisfactory Adjustment	280 - 51%		
Administrative Reasons	118 - 22%		
Complaint Not Substantiated	147 - 27%		
II. Unsworn Complaints	167	8	175
Total	712	102	814

TABLE II - COIR (Commission on Intergroup Relations-New York City)
Types of Satisfactory Settlement of Sworn Complaints
April 1, 1958 - December 31, 1960

<u>Type of Settlement</u>	<u>1958</u>	<u>%</u>	<u>1959</u>	<u>%</u>	<u>1960</u>	<u>%</u>	<u>Totals</u>	<u>%</u>
Desired apartment offered	(8)	36	(11)	8	(31)	24	(50)	18
Alternate apartment offered	(8)	36	(35)	27	(27)	21	(70)	25
Waiting list status offered	(2)	9	(33)	25	(38)	22	(63)	22
Rental Agency offered to process application	(0)	0	(2)	1.5	(25)	20	(27)	10
Other (e.g. continued occupancy permitted)	(1)	5	(5)	4	(2)	2	(8)	3
Rental to ethnic prototype	(1)	5	(2)	1.5	(0)	0	(3)	1
Signed policy commitment	(2)	9	(39)	30	(14)	11	(55)	20
Oral policy commitment	(0)	0	(4)	3	(0)	0	(4)	1
Totals	(22)	100%	(131)	100%	(127)	100%	(280)	100%

Colorado reports: "Twelve verified complaints have been filed of which one was withdrawn, nine were settled by conciliation, one was heard by the Commission, and one is pending. In addition to the verified complaints filed with Commission, a great many alleged violations have been reported. Some of the reported violations have been satisfactorily settled without the necessity of filing a complaint; others have been dropped by the aggrieved persons for reasons of their own."

TABLE III - CONNECTICUT
Complaints Received Between October 1, 1959 - December 31, 1960
and Their Disposition

Private Housing

Allegation

Refusal to rent on account of race	30
Refusal to rent on account of national origin	1
Refusal to sell on account of race	7
Total	38

Disposition

<u>Satisfactorily Adjusted</u>	
Complainant rented unit	8
Complainant offered rent	11
Complainant purchased home	2
Complainant offered property	2
No evidence of discrimination	3
Complainant secured other housing	4
Property not covered by law	2
Appealed to court	1
Pending	5
	38

Massachusetts Commission Against Discrimination revealed that it had received 72 rental complaints and 10 private housing complaints between December 31, 1959 and December 31, 1960. Table IV presents the disposition of these cases.

TABLE IV - MASSACHUSETTS
Complaints Received between December 31, 1959 - December 31, 1960
and Their Disposition

Rental Complaints

72

Disposition

16	Lack of probable cause
29	After investigation and conference
12	received apartments
17	no discrimination but would rent to Negroes
2	Withdrawn
23	Open
2	Formal Hearings
Total	72

Private Dwellings

10

Disposition

3	After investigation and conference
5	Open
2	Hearings
Total	10

Data from Oregon about its private housing complaints are presented below:

From August 5, 1959, the effective date of the legislation, through July 30, 1959,* we have handled 16 formal complaints, 6 informal requests for inquiry into a particular housing practice, and 14 reports

* (sic)

of intergroup tension-conflict incidents connected with a minority housing situation. In 8 of the cases, an unlawful practice was found and corrected through conciliation. Only one of the complaints - "The Wiley Case" - has required going as far as a public hearing.

COIR, Connecticut and Massachusetts Commissions experience relatively few obstacles in resolving rental complaints. In fact the high rental or luxury apartments are easier to settle than the average rental apartment. COIR indicates that most of the Negroes who file complaints are young middle class Negroes, applying for apartments in the \$85 to \$125 monthly rental class. Statistics of COIR's 26 months of administering the statute, totaling 613 cases revealed the following data:

Among the chief wage earners, a third were employed in professional or managerial pursuits and 27 percent were white collar workers. Skilled, semi-skilled and unskilled workers were 4, 11, and 12 percent of the total respectively.

Eight percent of the complainants' families earned \$200 or more a week. Another 32 percent earned between \$100 and \$199.99 weekly. The salaries of 26 percent ranged from \$65 to \$99.99.

In more than half the cases, the family consisted of no more than two members. One in every four complainants was a single person. The family comprised only two members in 38 percent of the cases. Family of three accounted for 19 percent of those filing complaints.

Connecticut and Massachusetts report that greater resistance to the Fair Housing Practices Law is more prevalent when individual homes are involved. After a public hearing was held by the Connecticut Commission and a cease and desist order was issued in the DeWitt Jones vs. Albert Swanson, Inc., case, the respondent (Swanson) instituted court proceedings, charging that the law is unconstitutional. The Superior Court of New Haven County heard the case in January, but has not rendered its decision.

Massachusetts has held two public hearings involving two private housing complaints. The builder agreed to obey the order issued by the Commission to sell a new home to the Negro complainant. In the second complaint Maurice Fowler vs. August J. Colangelo, a Waltham builder, Superior Court Judge Frank Murray denied a request for an injunction sought by the respondent to prevent Massachusetts from holding a hearing. Massachusetts Commission held a hearing on January 9, 1961. It rendered a decision in favor of the complainant, but the respondent has indicated that he will test the constitutionality of the law.

The Colorado Commission held one public hearing and ordered the respondent, "to cease and desist, to offer to sell to complainant comparable housing on comparable terms and to make monthly reports to the Commission as to his manner of compliance." The case is James R. and Elizabeth O. Rhone vs. J. L. Case Company, Realtor, Nelson Merrell and Reuben Stovern. Case appealed to the District Court from the Commission's order. The case was heard on February 6 and 7, 1961, but has not rendered its decision.

On June 8, 1960, the Oregon Commissioner of Labor, Norman O. Neilson, issued a cease and desist order against Curt-Croft, Inc., and Home Master Sales, Inc. in the Wiley case. The respondents appealed from the Order to the Circuit Court of Multnomah County. The latest information shows:

- (1) There are two separate appeals pending in Circuit Court for Multnomah County. Each appeal is brought by the respondents under a different appeals statute (the appeal procedure provided under the "Enforcement of Civil Rights" Act which includes the FEP, the Public Accommodations and the Housing Acts, and under the Oregon Administrative Procedures Act).
- (2) The latest order of the Court, of which we have not yet received a copy, denies the motion of the Commissioner of Labor to strike the appeal brought under the Administrative Procedures Act. It is not known whether the denial was on the merits or whether it was on the technical grounds that the Commissioner is not a party to that procedure.
- (3) As this is the first appeal brought under the Civil Rights Statute, there are many areas of ambiguity which are requiring numerous court appearances to clarify.

The New York City Commission on Intergroup Relations Fair Housing Practices Law was upheld as constitutional by Justice Aron Stever on April 1, 1960. Edmond Martin, real estate operator in Greenwich Village, had challenged the law on the grounds that it interfered with his right to conduct his business. An excerpt of Judge Stever's decision follows:

The basis of plaintiff's complaint with the statute is that it is an unjustified interference with his property rights in his business. He claims that a vital element in successful renting is the selection of tenants and that any regulation which hampers the exercise of his judgment in this phase of his business is beyond the power of the state. To an extent he is correct. Just because a man is a Negro he is not, ipso facto, a desirable tenant. But the statute does not say that. It says the converse--because a man is a Negro he is not, ipso facto, an undesirable tenant. And in that the plaintiff disagrees. It has long been recognized that the state has the power to make many regulations in regard to rental housing. It is so familiar that citation is unnecessary, that the size, area type of construction, window space and sanitary facilities are all subject to regulation, as are the number of people who may occupy a given space. Each of those regulations was at one time regarded as an encroachment on free enterprise or the rights of private property.

This survey was undertaken in accordance with the responsibility of the Division on Civil Rights to "issue such publications and such results of investigations and research tending to promote goodwill and to minimize or eliminate discrimination because of race, creed, color, national origin or ancestry, as the Commission shall direct."

2. CITY OF SEASIDE, CALIFORNIA

The following is a copy of a Resolution passed by the City Council of the City of Seaside, California, May 15, 1958.

RESOLUTION NO. 58-30

A RESOLUTION ESTABLISHING THE POLICY OF THE CITY OF SEASIDE
IN OPPOSITION TO RACIAL DISCRIMINATION IN HOUSING

WHEREAS, the City Council of Seaside has been advised that certain Real Estate Brokers, Realtors and Real Estate salesmen have agreed to designate certain Subdivisions and areas as racially "restricted", and

WHEREAS, such practices are undemocratic and violate the letter and spirit of our Federal Constitution as declared and interpreted by the Supreme Court of the United States; and

WHEREAS, such practices result in the denial of fair and equal access to housing facilities to all Americans.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside does deplore the imposition of racially discriminatory practices in the sale or rental of property, and

BE IT FURTHER RESOLVED that the City Council does urge all of the people concerned to refrain voluntarily from such discrimination, and

BE IT FURTHER RESOLVED that copies of this resolution be sent to each Real Estate Broker, Realtor and/or Real Estate Salesmen in Seaside and to the Board of Realtors of the Monterey Peninsula.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, duly held on the 15th day of May, 1958, by the following vote:

AYES, and in favor thereof, Councilmen: Cunningham, Kramer, Jones
Dorney and Cota

NOES: none

ABSENT, Councilmen: None

/s/ JOE A. COTA
MAYOR OF THE CITY OF SEASIDE

ATTEST:

/a/ GORDON H. HOWE
CITY CLERK

3. CITY OF SAN JOSE

The following are copies of letters received by the Human Relations Commission, City of San Jose, California.

SANTA CLARA COUNTY
CONTRACTORS AND HOMEBUILDERS ASSOCIATION
345 Saratoga Avenue, Santa Clara, California - CHerry 3-5889

May 5, 1960

Mr. Ben Avrech, Chairman
Human Relations Commission
City of San Jose
City Clerk's Office
San Jose, California

Dear Mr. Avrech:

In a regularly called session the Board of Directors of the Santa Clara County Contractors and Home Builders Association has adopted the following policy.

1. It shall be the policy of this Association to fully inform present members and future members regarding National, State, and Local Laws relating to discriminatory practices in the sale of homes.
2. It shall be the policy of the Association to advise members that this Association does not condone the practice of discriminating in the sale of real property on the basis of race, color, or creed.
3. It is further the expressed opinion of the Board of Directors that a large concentration of minority groups in any given neighborhood is not in the best interests of the City of San Jose.

Very truly yours,

/s/ J. Robert Mitsch

J. Robert Mitsch
Executive Vice President

JRM:do

SAN JOSE REAL ESTATE BOARD

Multiple Listing Service

416 North First Street
San Jose 12, California

CYpress 3-4717

January 15, 1960

Mr. Ben Avrech, Chairman
Human Relations Commission
City of San Jose
City Clerk's Office
San Jose, California

Dear Mr. Avrech:

The Board of Directors in cooperation with your Commission, has taken the following actions in response to your letter of October 23, 1959:

1. Adopted a motion reaffirming that Article 5 of the Code of Ethics of the National Association of Real Estate Boards does not restrain or require any member to refrain from assisting or handling the sale of any real property on the basis of race, color or creed of the prospective purchaser.
2. Adopted a motion recommending the office staff and members refer people, who complain or object to the showing of property to members of minority races, to the Human Relations Commission of San Jose for discussion and conciliation.
3. Adopted a motion that it is the Director's belief it is not in the best interests of the Community to have any large concentration of any minority group in a given neighborhood and the Directors do not advocate a policy of favoring discriminatory practices in housing.

Sincerely yours,

/s/ Fred D. Kmetovic

Fred D. Kmetovic
President

4. SCOREBOARD OF LAWS AFFECTING DISCRIMINATION IN HOUSING, SEPT. 15, 1961
(Compiled by National Committee Against Discrimination in Housing,
426 West 58th Street, New York City.)

	STATE	COVERAGE							Official Enforce. Agency
		<u>Public Housing</u>	<u>Urban Renewal</u>	<u>FHA & VA</u>	<u>Private Housing</u>	<u>Real Est. Agents</u>	<u>Mortgage Lenders</u>	<u>Adver- tising</u>	
1.	California	X	X	X		X			
2.	Colorado	X	X	X	X	X	X	X	X
3.	Connecticut	X	X	X	X	X	X		X
4.	Indiana	X	X						
5.	Massachusetts	X	X	X	X	X	X		X
6.	Michigan	X				X ^{1/}			
7.	Minnesota ^{2/}	X	X	X	X	X	X	X	X
8.	Montana		X						
9.	New Hampshire	X			X				
10.	New Jersey	X	X	X	X	X	X	X	X
11.	New York	X	X	X	X	X	X	X	X
12.	Oregon	X	X	X	X	X		X	X
13.	Pennsylvania	X	X	X	X	X	X	X	X
14.	Rhode Island	X							X
15.	Washington	X	X	X			X	X	X
16.	Wisconsin	X	X						

^{1/} By ruling of the Michigan Corporation and Securities Commission.

^{2/} Minnesota's FH law becomes effective December 31, 1962.

Note: Illinois prohibits restrictive covenants on urban redevelopment land.
Kansas and Alabama prohibit racial zoning.

CITY MEASURES

Forty-nine cities have laws or resolutions affecting discrimination in housing or have taken action covering specific projects. In addition to New York City and Pittsburgh, which bar discrimination in private housing, they apply as follows:

Public Housing -- Thirty-two cities have provisions applying to this area: Phoenix, Ariz.; Fresno, Richmond and San Francisco, Calif.; Hartford, Conn.; Wilmington, Del.; Washington, D.C.; Chicago, Ill.; South Bend, Ind.; Baltimore, Md.; Boston, Mass.; Detroit, Hazel Park, Mount Clemens, Pontiac, Saginaw and Superior Township, Mich.; Minneapolis and St. Paul, Minn.; Kansas City and St. Louis, Mo.; Omaha, Neb.; Newark, N.J.; Cleveland and Toledo, Ohio; Chester, Delaware County, Erie and Philadelphia, Penn.; Providence, R.I.; Pasco, Wash.; and Superior, Wis.

Publicly-assisted and/or urban redevelopment housing -- Twenty-five cities have provisions applying to this area: Los Angeles, Oakland, Sacramento and San Francisco, Calif.; Denver, Colo.; Hartford, Conn.; Chicago, Ill.; LaPorte, Michigan City and Mishawaka, Ind.; Des Moines, Iowa; Inkster, Mount Clemens and Superior Township, Mich.; Minneapolis and St. Paul, Minn.; Fargo, N.D., Cincinnati, Cleveland, Dayton, Hamilton and Toledo, Ohio; Providence, R.I.; Madison and Milwaukee, Wis.

Addendum to SCOREBOARD as of June 30, 1962

TOLEDO, OHIO. Signed September 25, 1961. Effective October 25, 1961. Coverage: All sales of real property. Rentals in buildings of 5 or more units. Enforcement by the Toledo Board of Community Relations. (Note: The Toledo law has been stalled by a temporary injunction since November 2, 1961.)

VIRGIN ISLANDS. Signed into law June 9, 1961. Coverage: Provides that no person "engaged in selling, leasing, or renting" any item of real estate shall, directly or indirectly, deny any other person the right to buy, lease, or rent any item of real estate on account of race, creed, or national origin. Prohibits the use of the "private club" device for evasion of the law. Provides for punitive damages up to \$5,000 and/or a fine of not more than \$2,000. Enforcement by the Commissioner of Public Safety.

ALASKA. Adopted April 3, 1962. Effective April 4, 1962. Coverage: "Public housing, all forms of publicly-assisted housing, and any housing accommodations offered for sale, rent, or lease." Violators are liable to 30 days imprisonment, or a fine of not more than \$500, or both. No enforcement machinery is provided. (Note: The Alaska law, an amendment to the state's public accommodations act, is the only all-inclusive anti-bias housing law to date.)

CALIFORNIA. On March 26, 1962, the California Supreme Court upheld the constitutionality of the Unruh Civil Rights Act (adopted in 1959) and found its prohibition of discrimination in "all business establishments" applicable to real estate brokers and salesmen. This action of the high court, in effect, gives California similar coverage to that provided under the Oregon fair housing law. However, no enforcement machinery is provided in California.

NEW YORK CITY. On April 4, 1962, Mayor Robert F. Wagner signed amendments designed to facilitate the enforcement of New York City's pioneering fair housing law. The amendments provide that the city's Commission on Human Rights (formerly COIR) may seek a court injunction to hold the unit at issue available during the pendency of a complaint; that the facts in a case may now be made public after efforts to conciliate fail; and the Fair Housing Practices Board, which formerly reviewed Commission findings before cases were referred to court, has been eliminated.

WASHINGTON STATE. On April 2, 1962, the U.S. Supreme Court refused to review a Washington State Supreme Court decision which held, 5 to 4, the state's law barring discrimination in publicly-assisted housing unconstitutional. The majority of the State Supreme Court held that limitation of the statute to "publicly-assisted housing" was an unreasonable classification, denying equal protection of the laws.

In June 1962, a lower court ruled that the Washington public accommodations statute covers real estate offices. This decision is on appeal.

* * * *

APPENDIX FDRAFTS OF THREE PROPOSED ORDINANCES

1. ORDINANCE PROHIBITING DISCRIMINATORY PRACTICES IN CERTAIN HOUSING BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, OR ANCESTRY, CREATING A FAIR HOUSING COMMISSION, PRESCRIBING ITS DUTIES AND POWERS GENERALLY, AND PROVIDING PROCEDURES FOR ENFORCEMENT.

PREAMBLE

Discrimination based on race, color, religion or national origin denies a fundamental American liberty--the right to be judged as an individual.

Discrimination in the renting or selling of housing denies this liberty in the free competition for one of the essentials of life, the single most important material possession of man.

SECTION 1. FINDINGS OF FACT.

Discrimination against people because of their race, color and national origin has been found to exist in Berkeley in the housing market.

Such discrimination denies individuals an equal opportunity to secure housing suitable to their means and aspirations. It imposes upon many individuals the necessity of living in crowded, substandard housing. It requires others to dwell in areas restricted to a given race or color.

It impedes the process of social integration by which, as our nation's history has shown, racial and religious groups have enriched the general culture and lost the disturbing power of strangeness.

It aggravates other forms of discrimination and intergroup tension. By so doing, it contributes to the problems of juvenile delinquency, crime, dope addiction, vice, physical and mental disease and disrupted families.

It provides special difficulties for public schools.

It represents a public charge, contributing to the costs of government and diminishing the city's economic productivity.

Discrimination in housing adversely affects the continued redevelopment, renewal, growth and progress of the City of Berkeley.

A substantial amount of such discrimination in housing in the City of Berkeley is beyond the scope of applicable state law, and that such law should be supplemented by a local ordinance.

SECTION 2. DECLARATION OF POLICY

It is hereby declared to be the policy of the City of Berkeley, in the exercise of its police power for the protection of the public safety, public health and general welfare, for the maintenance of business and good government and for the promotion of the city's trade, commerce and manufacture, to

assure equal opportunity and equal treatment to all persons regardless of race, color, religion, national origin or ancestry to live in decent housing facilities; and to that end to prohibit discrimination in housing by any person.

SECTION 3. DEFINITIONS.

a) COMMISSION. The term "commission" wherever used in this ordinance means the Fair Housing Commission of the City of Berkeley.

b) HOUSING UNIT. The term "housing unit" includes a single room or suite of rooms, or an apartment or a dwelling, occupied or intended for occupancy as separate living quarters, by an individual, by a family or by a group of individuals living together.

c) HOUSING PROPERTY. The term "housing property" includes any building, structure, or portion thereof comprising or containing one or more housing units and any parcel of land or portion thereof available, or intended for the construction of such a building or structure.

d) LENDING INSTITUTION. The term "lending institution" includes any person, as defined in this ordinance, regularly engaged in the business of lending money or guaranteeing loans.

e) OWNER. The term "owner" includes the lessee, sublessee, co-tenant, assignee, managing agent, or other person having the right of ownership or possession, or the power to sell, rent or lease any housing property.

f) PERSON. The term "person" includes any individual, association, partnership or corporation. The term "person" as applied to partnerships or other associations includes their members, and as applied to corporations includes their officers.

g) REAL ESTATE BROKER. The term "real estate broker" includes any natural person, partnership, association or corporation, who for a fee or other valuable consideration, sells, purchases, exchanges or rents, or negotiates, or offers or attempts to negotiate, the sale, purchase, exchange or rental of the real property of another, or holds himself out as engaged in the business of selling, purchasing, exchanging, or renting the real property of another, or collects rent for the use of the real property of another.

h) REAL ESTATE SALESMAN OR AGENT. The term "real estate salesman" or "agent" wherever used in this ordinance means any person employed by a real estate broker to perform, or to assist in the performance of, any or all, of the functions of a real estate broker.

SECTION 4. EXCLUSIONS.

a) Nothing in this ordinance shall apply to the rental of a single unit within a building or structure containing only two housing units, one of which is maintained by the owner of such building or structure at the time of rental as his place of residence. A duplex apartment does not fall under the terms of this exclusion.

b) Nothing in this ordinance shall bar any religious institution or organization, or any charitable or educational organization which is operated,

supervised or controlled by a religious organization, from limiting admission to or giving preference in housing accommodations to persons of the same religion or from making such selection in connection therewith as is calculated by such organization to promote the religious principles for which it is established or maintained.

c) Nothing in this ordinance shall be interpreted to prohibit any person from making a choice among prospective purchasers or tenants of property on the basis of factors other than race, color, religion, national origin or ancestry.

SECTION 5. PROHIBITED ACTS.

Except as provided in Section 4, it shall be an unlawful housing practice:

a) For any owner, real estate broker or real estate salesman or agent (1) to refuse to sell, lease, sublease, rent, assign or otherwise transfer, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold or other interest in any housing property, or to represent that housing property is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise to deny or withhold any housing property from any person because of such person's race, color, religion, national origin, or ancestry; (2) to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing property any clause, condition or restriction discriminating against any person in the use of occupancy of such housing unit because of race, color, religion, national origin, or ancestry; (3) to discriminate in the furnishings of any facilities, or services, or in the terms, conditions, privileges or tenure of occupancy of any housing property because of race, color, religion, national origin or ancestry.

b) For any lending institution to discriminate in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing property, or to discriminate in the fixing of the rates, terms, conditions, or provisions of any such financial assistance or in the extension of service in connection therewith because of race, color, religion, national origin or ancestry.

c) For any person to publish or circulate, or to cause to be published or circulated, any notice, statement or advertisement, or to announce a policy or to use any form of application for the purchase, lease, rental, or financing of any housing property or to make any record or inquiry in connection with the prospective purchase, rental, lease or financing of any housing property thereof which expresses directly or indirectly any limitation, specification or discrimination as to race, color, religion, national origin, or ancestry.

d) For any person to aid, abet, compel, coerce, or participate in the doing of any act declared to be an unlawful housing practice.

SECTION 6. FAIR HOUSING COMMISSION.

a) (This paragraph to be revised to conform with the usual City of Berkeley procedures.)

b) The City of Berkeley shall provide funds to pay for an Executive Secretary and such other staff services and facilities as may be required by the Commission. The members of the Commission shall receive no compensation for their services as such.

SECTION 7. POWERS AND DUTIES.

The Commission shall:

a) Make technical studies and prepare and disseminate educational material relating to discrimination and ways and means of eliminating it.

b) Confer, cooperate with, and furnish technical assistance to persons subject to this ordinance in formulating educational programs for elimination of discrimination.

c) Receive, investigate and seek to adjust all complaints of discrimination as herein provided.

d) Seek conciliation of such complaints, hold hearings and, with respect to any matter under investigation or in question before the Commission, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, require the production of any books or papers relating to such matters.

e) Render to the City Manager and the City Council, from time to time, or upon request, but not less than annually, a report of its activities.

f) To make and publish reports of case histories of conciliation settlements under this ordinance which in its judgment will implement the purposes of this ordinance. Such reports shall not include the names of the parties, or other facts which might clearly identify them without their consent.

g) Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this ordinance.

SECTION 8. ENFORCEMENT PROCEDURES.

a) A charge alleging violation of this ordinance may be made by the Commission itself, by an aggrieved individual, or by an organization which has as one of its purposes the protection of equal rights for all individuals in the housing market. Such charges shall be in writing and signed by the charging party, shall be filed within ninety (90) days after the alleged discriminatory act, and shall contain such particulars as the Commission, by regulation, may require. The Commission shall promptly furnish a copy of such complaint to the party charged.

b) Each charge shall be assigned to a Commissioner selected in accordance with such uniform rules as the Commission may prescribe, and such Commissioner shall proceed to investigate the charge with the assistance of the Commission staff. If, upon such investigation, the Commissioner shall find that an unfair housing practice has not occurred, the charge shall be dismissed, subject to appeal to the Commission upon such terms as it shall prescribe.

c) If the Commissioner determines, after such investigation, that probable cause exists to believe that an unlawful housing practice has occurred, he, with the assistance of the Commission staff, shall endeavor to eliminate or remedy such violation by means of conciliation and persuasion. The details of such procedure shall not be made public except as provided in Section 7 (g).

d) In any case of failure to eliminate the alleged unlawful housing practice by means of conciliation or persuasion, the Commission shall hold a public hearing to determine whether or not an unlawful housing practice has been committed. The Commission shall serve upon the person charged, hereinafter referred to as respondent, a written complaint specifying the charges against him and notice of the time and place of hearing. The hearing shall be held not less than ten (10) days after the service of the statement of such complaint. The respondent shall have the right to file an answer to the complaint, to appear at the hearing in person or to be represented by an attorney or any other person, to present testimony on his own behalf, and to examine and cross-examine witnesses. The Commissioner who investigated the charge shall not participate in such hearings.

e) If upon all the evidence presented at such hearing the Commission finds that the respondent has not engaged in any unlawful housing practice, it shall state its findings of fact and dismiss the complaint. If upon all the evidence presented the Commission finds that the respondent has engaged or is engaging in an unlawful housing practice, it shall state its findings of fact and shall issue such orders as in its opinion will realize the purposes of this ordinance. Such order may provide for damages in an amount which the Commission finds the party discriminated against suffered; and, if the owner disposed of the housing property involved in the proceeding after receipt of the complaint and notice of hearing, damages from loss of access to such property shall be deemed to be no less than \$250.

f) Upon entry of such order, the Commission may certify the case and the entire record of its proceedings to the City Attorney, who shall proceed in the name of the city, no later than 30 days thereafter, to invoke the aid of an appropriate court for enforcement of such order and compliance with this ordinance. In any such proceedings the defendant shall be entitled, at his request, to a jury trial on the issue of damages to the extent required by the Constitution of the State of California and the United States of America; but the court, without a jury, may make all other equitable orders pertaining to all other issues.

SECTION 9. SEVERABILITY.

The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

SECTION 10. EFFECTIVE.

The effective date of this ordinance is

SECTION 11. REPEAL.

Any ordinance or part of an ordinance conflicting with the provisions of this ordinance, is hereby repealed so far as the same affects this ordinance.

* * * * *

2. PROPOSED HOUSING ORDINANCE PREPARED BY SHO SATO AND IRA M. HEYMAN,
PROFESSORS OF LAW, UNIVERSITY OF CALIFORNIA SCHOOL OF LAW

(Note by Professor Sato: This ordinance is a draft and changes may be necessary in order to conform to the Charter of the City of Berkeley and possibly to the Brown Act. The ordinance was prepared to set forth the broad scheme of anti-discrimination in housing which would not run afoul of the State law and would be desirable in Berkeley.)

Be It Ordained by the People of the City of Berkeley:

PREAMBLE

Discrimination in the sale and rental of housing accommodations because of race, color, religion, and national origin exists in Berkeley. Such discrimination denies an individual an equal opportunity to secure housing suitable to their means and aspirations and imposes upon many individuals the necessity of living in crowded substandard housing. Discrimination impedes the progress of social integration and contributes to intergroup tension, problems of juvenile delinquency, crime and disrupted families. It provides special difficulties for public schools. There is little or no tract housing available in Berkeley and the people in Berkeley must secure their housing primarily in the market of individually owned, single family residences. Therefore, it is declared to be the policy of the City of Berkeley in the exercise of its police power to promote public safety, public health and general welfare that an ordinance be enacted to assure equal opportunity and equal treatment to all persons regardless of race, color, religion, national origin or ancestry in securing housing accommodations.

SECTION 1. DEFINITIONS.

a) COMMISSION. The term "commission" means the Fair Housing Commission of the City of Berkeley.

b) HOUSING UNIT. The term "housing unit" means a single room or suite of rooms, or an apartment or a dwelling, occupied or intended to be occupied as a separate living quarter, by an individual, by a family or by a group of individuals living together.

c) PERSON. The term "person" includes any individual, association, partnership or corporation. The term "person" as applied to partnerships or other associations includes their members, and as applied to corporations includes their officers.

SECTION 2. PROHIBITED ACTS

a) No person shall discriminate

(1) in the sale, rental or other transfer for value, or

(2) in the terms, conditions, privileges, tenure facilities, or services in the same, rental or other transfer for value, of a housing unit to another party because of race, color, religion, national origin or ancestry.

b) Nothing in this ordinance shall apply to:

- (1) the sale, rental or other transfer of one housing unit in a structure containing no more than two housing units if after the sale, rental or transfer the other housing unit is occupied by the transferor as his residence; or

(Alternative provision to above b) (1):

- (b) (1) Any transaction relating to a rental of a structure which
(contains no more than one housing unit if the lessor
(intends to occupy the housing unit as his residence after
(the expiration of the rental period.

- (2) the rental of a housing unit in a structure containing one or two housing units if the transferor intends to occupy the housing unit or one of the housing units as his residence after the expiration of the rental period; or
- (3) the rental of accommodations in a "boarding house" where living quarters and meals are served to no more than ____ boarders; or
- (4) any religious or fraternal institution or organization, or any charitable or educational organization which is operated, supervised or controlled by a religious or fraternal organization, in limiting admission to or giving preference in housing accommodations to persons of the same religion or fraternal association or in making such selection in connection therewith as is calculated by such organization to promote the religious or fraternal principles for which it is established or maintained.

SECTION 3. FAIR HOUSING COMMISSION.

- a) (These paragraphs to be revised to conform with the usual City of
- b) Berkeley procedures.)
- c) The Commission, with the aid of its staff, shall:
 - (1) Make technical studies and prepare and disseminate educational material relating to discrimination and ways and means of eliminating it which in its judgment are desirable.
 - (2) Receive, investigate and seek to adjust complaints of discrimination as herein provided.
 - (3) Render to the City Manager and the City Council, from time to time, or upon request, but not less than annually, a report of its activities.
 - (4) Make and publish reports of case histories of conciliation settlements under this ordinance which in its judgment will implement the purposes of this ordinance. Such reports shall not include the names of the parties, or other facts which might clearly identify them, without their consent.

- (5) Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this ordinance.

SECTION 4. ALTERNATIVE REMEDIES.

a) A person aggrieved by a violation of this ordinance may bring an action in any court of appropriate jurisdiction for restraint of such violation and for other appropriate equitable remedies. In addition, such person shall have a right of action for damages caused by such violation in a sum of not less than \$250; or

b) A person aggrieved by a violation of this ordinance may file a statement alleging the facts of such violation with the Commission. The statement shall be in writing and signed by the aggrieved person, shall be filed no later than sixty (60) days after the alleged violation, and shall contain such particulars as the Commission, by regulation, may require. The Commission shall promptly furnish a copy of the statement to the party alleged to have violated this ordinance.

After filing of the statement, the Executive Secretary or an investigator designated by the Executive Secretary shall make an investigation and submit his findings in writing to the Commission. A copy of the findings shall be served upon the aggrieved party and the person charged.

Although no statement is filed by an aggrieved person, if the Executive Secretary has reason to believe that there has been a violation of this ordinance within the past sixty (60) days, he or a member of his staff may investigate and submit findings in writing to the Commission. A copy of the findings shall be served upon the aggrieved person and the person charged.

After submission of the findings, the Commission shall give an opportunity to the aggrieved person and the person charged, either together or separately, to comment, orally or in writing as the person may elect, on the findings. The Commission may consult with any other persons to secure further evidence. The Commission may in its judgment permit cross-examination of the parties or any other witness. If, after the procedure above provided, the Commission determines that a violation has not occurred, the proceedings shall be terminated. If, after such procedure, the Commission determines that a violation has occurred, a Commissioner, selected in accordance with such uniform rules as the Commission may prescribe, shall proceed to seek elimination of the alleged violation by means of conciliation or persuasion.

No part of these proceedings shall be made public except as provided in sections 3 (c) 4.

If conciliation or persuasion in the elimination of the alleged violation is not successful, the Commission may, with the consent of the aggrieved person, refer the matter to the City Attorney who shall act as the attorney for the aggrieved party in bringing an action under subsection (a) of this section or under any other law which creates a right of action in the aggrieved person.

SECTION 5.

The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

* * * *

3. PROPOSED HOUSING ORDINANCE

SECTION 1.

All persons within the jurisdiction of the City of Berkeley are free and equal, and, no matter what their race, color, religion, ancestry, or national origin, are entitled to the full and equal accommodations, advantages, facilities, privileges or services in all real estate transactions of every kind whatsoever.

This ordinance shall not be construed to confer any right or privilege on a person which is conditioned or limited by law or which is applicable alike to persons of every color, race, religion, ancestry or national origin.

Whoever denies any of the rights granted in this ordinance, or whoever aids, incites, foments, publishes, circulates, or causes to be published or circulated, anything in connection with any real estate transaction whatsoever, that makes any discrimination, distinction, or restriction on account of color, race, religion, ancestry, or national origin, contrary to the provisions of this ordinance, shall be subject to a fine not exceeding \$250.00.

SECTION 2.

a) The Human Relations Commission of the City of Berkeley shall consist of nine (9) members to be appointed by the City Council. (Note: The rest of this paragraph and paragraph b are to be revised to conform to the usual procedures of the City of Berkeley.)

SECTION 3.

The Commission shall:

a) Make studies and prepare and disseminate educational material to achieve the purpose of this ordinance.

b) Receive, investigate and seek to adjust all complaints of violation of this ordinance.

c) Seek conciliation of such complaints, hold hearings with respect to any matter under investigation or in question before the Commission.

d) Render to the City Manager and the City Council, from time to time, or upon request, but not less than annually, reports of its activities. Such reports shall not include the names of the parties, or other facts which might clearly identify them without their written consent.

e) Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this ordinance.

SECTION 4.

a) A charge alleging violation of this ordinance may be made by the Commission itself, or by an aggrieved individual, or by an organization which has as one of its purposes the protection of equal rights for all individuals in the real estate market. Such charges shall be in writing and signed by the charging party, shall be filed within ninety (90) days after the alleged

discriminatory act, and shall contain such particulars as the Commission, by regulation, may require. The Commission shall promptly furnish a copy of such complaint to the party charged.

b) Each charge shall be assigned to a Commissioner selected in accordance with such uniform rules as the Commission may prescribe, and such Commissioner shall proceed to investigate the charge and determine within five (5) days the merits of such charge. If, upon such investigation, the Commissioner shall find that no violation of this ordinance has occurred, the charge shall be dismissed, subject to appeal to the Commission upon such terms as it shall prescribe.

c) If the Commissioner determines, after such investigation, that probable cause exists to believe that a violation of this ordinance has occurred, he, with the assistance of the Commission, shall endeavor to eliminate or remedy such violation by means of conciliation and persuasion. The details of such procedure shall not be made public except as provided herein.

d) In any case of failure to eliminate the alleged unlawful housing practice by means of conciliation or persuasion, the Commission shall hold a public hearing to determine whether or not a violation of this ordinance has been committed. The Commission shall serve upon the person charged a written complaint specifying the charges against him and notice of the time and place of hearing. The hearing shall be held not less than ten (10) days after the service of the statement of such complaint. The respondent shall have the right to file an answer to the complaint, to appear at the hearing in person or to be represented by an attorney or any other person, to present testimony on his own behalf, and to examine and cross-examine witnesses. The Commissioner who investigated the charge shall not participate in such hearings.

e) If upon all the evidence presented at such hearing the Commission finds that there has not been any violation of this ordinance, it shall state its findings of fact and dismiss the complaint. If upon all the evidence presented, the Commission finds that there has been a violation of this ordinance, it shall state its findings of fact and shall certify the case and the entire record of its proceedings to the City Attorney, who shall proceed in the name of the City, no later than thirty (30) days thereafter, to invoke the aid of an appropriate court for enforcement of such order and compliance with this ordinance.

SECTION 5.

The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

SECTION 6.

Any ordinance or part of an ordinance conflicting with the provisions of this ordinance is hereby repealed so far as the same affects this ordinance.

APPENDIX GLETTERS FROM CITIZEN GROUPS1. JAPANESE AMERICAN CITIZENS LEAGUE
Berkeley Chapter

25 May, 1962

TO: THE BERKELEY CITIZENS COMMITTEE TO STUDY
DISCRIMINATION IN HOUSING

We urge your Committee to recommend to the City Council the passage of an ordinance declaring discrimination in housing because of race, creed or national origin to be against public policy and providing effective implementation of this policy. Legislation must go hand in hand with education in eliminating inequities practiced against a substantial portion of our citizenry. Progressive local community leadership will hasten the enactment of a state wide law that will apply uniform provisions throughout California. We do not accept the thesis that present state laws adequately protect against discriminatory housing practices.

In the ordinance we favor the establishment of procedures which will employ conciliatory methods and the fullest use of private discussion and persuasion with proper safeguards from unfair harassments, publicity, and costs. We recognize, however, the necessity for legal sanctions to secure enforcement. Our democracy has always operated on the premise that property rights must be confined within the framework of basic human rights.

By reason of our ancestry we are particularly aware of the difficulties experienced by those characterized as members of minority racial groups in securing decent housing. Although a number of us have successfully located our residences in areas of our choice, it has not been with facility. The many others who have struggled and are struggling unsuccessfully to overcome this discriminatory barrier in housing should not be relegated to the status of second class citizens. The time to act is now, not tomorrow.

(101 signatures with addresses)

2.

BERKELEY FEDERATION OF DEMOCRATIC CLUBS

May 21, 1962

The Honorable Claude B. Hutchison
and Members of the City Council
City Hall
Allston Way and Grove Street
Berkeley 4, California

Gentlemen:

The Berkeley Federation of Democratic Clubs, in regular session, has adopted the following statement:

The Federation endorses a policy for the City of Berkeley to assure equal opportunity and equal treatment to all persons regardless of race, color, religion, national origin or ancestry to live in decent housing facilities, and to that end prohibit discrimination in housing by any person.

This action was taken pursuant to the avowed purpose of the Federation, as stated in its Constitution, to co-ordinate efforts of Berkeley Democrats in support of intelligent and enlightened policies.

Very sincerely,

s/ Charles A. Duffy
CHARLES A. DUFFY, President

* * * * *

3.

BERKELEY POLITICAL ACTION COMMITTEE
1433 Hearst Avenue, Berkeley
24 July 1962

The Committee to Study Housing Discrimination in Berkeley
City Hall
Berkeley, California

Dear Committee Members:

The Berkeley Political Action Committee hereby endorses a Fair Housing Ordinance for the City of Berkeley, and hereby call upon the City Council to pass such a law, legally enforceable, calling for public and Court enforcement. Discrimination in the sale and rental of housing accelerates and maintains other forms of discrimination such as de facto school segregation, ghetto living and such social problems as juvenile delinquency. We feel that a strong fair housing law would be a wise and proper beginning of a sustained and earnest attack on all forms of racial discrimination within our fair city.

CEW:im

s/ Charles E. Wilson
CHARLES E. WILSON, President

4.

1853 Ashby Avenue

TO THE HONORABLE MAYOR AND MEMBERS
OF THE BERKELEY CITY COUNCIL

THE BERKELEY DEMOCRATIC PRECINCT WORKERS at their general meeting
held on May 10, 1962, unanimously endorsed:

"a policy for the City of Berkeley to assure equal
opportunity and equal treatment to all persons,
regardless of race, color, religion, national origin
or ancestry, to live in decent and adequate housing
facilities; and to that end prohibit discrimination
in housing by any person."

Respectfully,

s/ (Mrs. D.D.) Ruth Boyden
Ruth Boyden, President
Berkeley Democratic Precinct Workers

* * * * *

U.C. BERKELEY LIBRARIES



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